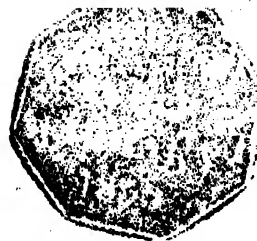


R E P O R T

FROM

SELECT COMMITTEE



ON THE

S U P P R E S S I O N

OF THE

CALCUTTA JOURNAL;

WITH

MINUTES OF EVIDENCE,

AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
4 August 1834.*

Mercurii, 4^o die Junii, 1834.

Ordered, THAT a Select Committee be appointed to take into consideration the circumstances connected with the Suppression of the *Calcutta Journal* in the year 1823, and the Loss of Property entailed on Mr. Buckingham in consequence of that measure; and to report their Opinion to The House, as to whether any and what Amount of Compensation ought to be awarded to Mr. Buckingham for his Losses on that account.

And a Committee is appointed, of—

Mr. Hume.	Colonel Torrens.
Mr. Charles Grant.	Mr. Bernal.
Mr. Williams Wynn.	Mr. Robert Gordon.
Lord John Russell.	Mr. Alderman Thompson.
Lord Granville Somerset.	Mr. Guest.
Lord Viscount Althorp.	Mr. Maxfield,
Mr. Charles Ross.	Mr. Walter.
Mr. Cutlar Fergusson.	Mr. Lambton.
Mr. Abercromby.	Mr. William Gladstone.
Mr. Hughes Hughes.	Mr. Pendarves.
Mr. John Smith.	Mr. Hesketh Fleetwood.
Mr. Keppel.	Mr. Langdale.
Sir Thomas Fremantle.	Mr. Wilks.
Mr. Baines.	Mr. Alexander Baring.
Lord Ashley.	Sir Robert Peel.
Mr. Blake.	Mr. Walker (of Wexford).
Mr. Shaw (of Dublin).	Mr. Stewart Mackenzie.
Sir William Trelawney.	

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

Ordered, THAT Five be the Quorum of the Committee.

Jovis, 5^o die Junii, 1834.

Ordered, THAT the Petition of James Silk Buckingham, respecting the Liberty of the Press in India, which was presented upon the 9th day of May 1826, together with the Evidence taken before the Committee on the said Petition, be referred to the Select Committee on *Calcutta Journal*.

Veneris, 13^o die Junii, 1834.

Ordered, THAT Mr. Robert Clive and Major Beauclerk be added to the Committee.

Lunæ, 30^o die Junii, 1834.

Ordered, THAT Mr. Abercromby be added to the Committee.

Lunæ, 4^o die Augustii, 1834.

Ordered, THAT the Committee have power to report the Minutes of the Evidence taken before them.

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R E P O R T.

THE SELECT COMMITTEE appointed to take into consideration the circumstances connected with the Suppression of the *CALCUTTA JOURNAL*, in the year 1823, and the Loss of Property entailed on *Mr. Buckingham* in consequence of that measure; and to report their Opinion to The House, as to whether any and what Amount of Compensation ought to be awarded to *Mr. Buckingham* for his Losses on that account; and to whom the Petition of *James Silk Buckingham*, which was presented on the 9th day of May 1826, together with the Minutes of Evidence taken before the Committee on the said Petition, were referred; and who were empowered to report the MINUTES of the EVIDENCE taken before them;—HAVE considered the Matters to them referred, and agreed to the following RESOLUTIONS:

1. *Resolved,*

THAT it appeared to Your Committee, that *Mr. Buckingham* resided in Bengal from the year 1818 to 1823, under a Licence of the East India Company, and was engaged as principal Proprietor and Editor of the *Calcutta Journal*, which was then a highly profitable concern, yielding to himself and the other Proprietors a large annual Income.

2. *Resolved,*

THAT it appeared to Your Committee, that in the year 1823, in the exercise of the discretion vested in the Governor-General, *Mr. Buckingham* was, by the acting Governor-General, ordered to quit India within two months.

3. *Resolved,*

THAT it appeared to Your Committee, that after the departure of *Mr. Buckingham* from India, the *Calcutta Journal* was, by order of the Governor-General, altogether suppressed.

4. *Resolved,*

THAT Your Committee, without impugning the motives which actuated the measures of the Government, feel that those measures have, in their consequences, proved to *Mr. Buckingham* and his family penal to a degree which could not have been contemplated at the time of their adoption.

5. *Resolved,*

THAT Your Committee are therefore of opinion that Compensation ought to be made to *Mr. Buckingham*.

6. *Resolved,*

THAT Your Committee abstain from expressing any opinion as to the Amount of Compensation, in the hope that that subject will be taken into the favourable consideration of the East India Company, and thus the interposition of Parliament, in the next Session, to fix such amount, be rendered unnecessary.

4 August 1834.

A PETITION from *James Silk Buckingham*, respecting LIBERTY of the PRESS.
[Presented 9 May 1826.]

TO the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of *James Silk Buckingham* respectfully sheweth,

1. THAT during the greater portion of a life passed in visiting different regions of the world, your petitioner has constantly had the satisfaction to find that the mere circumstance of his being an Englishman gave him a powerful claim to hospitality and protection wherever the British name was known.

2. That the course of events having led your petitioner into Egypt, he was induced, by the earnest entreaties of several British and other European merchants residing in that country, to make a maritime survey of the Red Sea, and proceed, by way of Arabia, to India, for the purpose of encouraging the British merchants there to revive the lucrative commerce which heretofore existed by that ancient route, and supply the shores of the Mediterranean with the inexhaustible productions of the British possessions in the East.

3. That your petitioner having, in the year 1814, arrived at Bombay, and received the most flattering and welcome reception from his countrymen of all ranks and conditions, there for the first time found that his being an Englishman (which had every where else been to him a source of pride and benefit) was now the cause of humiliation and disadvantage; for while individuals of every other nation were permitted, without any express licence, to reside and enjoy security of person and property under the British flag, no Englishman could lawfully set his foot on the soil of this quarter of the British empire without permission first obtained from the East India Directors in England.

4. That your petitioner, not having left England with any intention of visiting India, was unprovided with such licence, and did not therefore attempt to settle and reside in the country; but in the prosecution of his commercial pursuits, your petitioner accepted the command of a large ship trading from Bombay to China, under the authorized protection of the British flag, belonging to the Imaum of Muscat, an independent Arab prince in amity with the British, and then having in his commercial employment several Americans, besides French and other European subjects, who were unmolested in their trading occupations; while your petitioner, being by birth an Englishman, was for this and no other reason, real or alleged, prevented from holding this command, and not merely removed from his ship, but ordered instantly to quit the country.

5. That if your petitioner had suffered this calamity, severely as it has affected all his future prospects in life, in consequence of any misconduct, he should not now have adverted to it as a part of his unhappy history; but at the very moment when this sentence was carrying into execution, the governor, the late Sir Evan Nepean, bore the highest testimony to your petitioner's character, and not only professed himself entirely satisfied with the publicly beneficial nature of your petitioner's pursuits, but, in a correspondence which passed between himself and his chief secretary on this occasion, expressed a hope that your petitioner might, on these grounds, obtain the necessary licence of the East India Company for his return and future residence in their territories.

6. That your petitioner, in consequence of this peremptory order given him to quit India, returned again by way of Arabia to Egypt, and, after a very considerable loss of time and money, succeeded in obtaining the requisite licence of the East India Company to visit their dominions, the only conditions of such licence being, that he should conform himself to all the laws, and regulations having the force and sanction of laws, under such presidencies as he might from time to time reside.

7. That being at length in possession of this licence, your petitioner returned to India, and after relinquishing the command of the ship in which he was reinstated, rather than go on a slave-voyage for her owners, ultimately settled at Calcutta in the year 1818, under the open countenance and protection of the government of the Marquis of Hastings, where he vested progressively a capital of more than 20,000 £. sterling in the establishment of a public journal, acknowledged to be lawfully formed and conducted, and permitted, as such, to pay annually a sum equal to more than 4,000 £. sterling in postage to the revenue of Bengal.

8. That your petitioner conducted this public journal for a period of five years, without being convicted of any libel, private or public, having been only once prosecuted by indictment of the six Secretaries to Government, for an alleged imputation on their impartiality, and on that occasion unhesitatingly acquitted by a jury composed principally of government dependants, every individual of whom being of British birth, was not merely liable to lose his place, but to be banished without a hearing from the country, for any act that might be displeasing to his superiors; and never having had to pay a farthing of damages either to individuals or to public bodies, though in all actions brought before the Indian courts there are no juries of any kind to protect defendants, the verdict and amount of damages being left entirely to the discretion often of a single judge, who, from his station and habits, may be regarded as one of the members of the government itself, and therefore deeply interested in repressing and punishing even a tendency to undue freedom of discussion.

9. That

9. That besides having the good fortune never to have once incurred the censure of the laws during this long period, in which nearly two million copies of your petitioner's journal were issued and circulated among a community, where almost every reader is a member of the governing body—there not being, probably, ten native Indians in all Bengal who read or understand an English paper—and under so peculiar a state of legal administration, where the bench, the bar and the juries are all so closely interwoven with the Government, as to afford the strongest security for their continual bias towards the support of its interests, your petitioner had also the happiness of enjoying, during the whole of this period, the esteem and confidence of his fellow-countrymen of all classes in India to such a degree, that one hundred of them, including British merchants of the greatest wealth and most unsullied integrity, as well as civil and military functionaries of the highest rank and most unquestionable loyalty, and others having the deepest stake, both as to wealth and reputation, in the security of the established government, evinced their entire approbation of your petitioner's mode of conducting his journal, by consenting, after it had been four years before the Indian public, and its character therefore minutely watched and accurately known, to hold shares in its property to the amount of 10,000 £ sterling, in the full confidence of its being safely invested in a legal, an honourable, and a useful undertaking.

10. That in the month of February 1823, soon after the resignation of the Marquis of Hastings, and during the brief interregnum between that resignation and the arrival of his lordship's successor as Governor-general of India, your petitioner received a letter from the chief secretary to government, informing him, that in consequence of his having expressed an opinion on the inappropriateness of a certain appointment of a Presbyterian minister, who was not in the Company's regular service, to an office wholly foreign to his existing pursuits and derogatory to his holy calling, your petitioner had forfeited all claim to the countenance and protection of the government under which he lived, in consequence of which his licence to reside in India was from that moment withdrawn, and he was thence ordered, without a trial or a hearing, to quit the country within a few weeks only from the date of this order, on pain of being seized and transported as a felon in such ship as the Governor-general might choose, although your petitioner had, in the act complained of, disregarded no specific warning, touched no privileged functionary, disobeyed no law, infringed no regulation having the sanction of law, or committed any act of either an illegal, dangerous, or immoral tendency.

11. That your petitioner, untried and innocent as he was, being thus expelled and outlawed by a decree which admitted neither hearing nor appeal, hastened to quit a country in which the mildest exercise of his legal birthright was deemed a crime that unfitted him for further residence among his fellow-countrymen in the east, and embarked with his afflicted family for England.

12. That your petitioner firmly believing, in common with all those who had invested their property with him in this joint undertaking, that he would be permitted to return again to India, when the severe punishment already inflicted on him by this act of banishment should have expiated his supposed offence, was induced to leave behind him the whole of his large and valuable property, the accumulated earnings of years of anxious labour, and the only source on which he could rely for the future subsistence of himself and children, in the confident assurance, that although he being an Englishman, had been thus suddenly removed from the superintendence of his own affairs, the individuals in whose charge he left them not being liable to this sudden removal, would be amenable for their conduct to a court of justice only, and his property in their hands be safe from violation and destruction.

13. That in this hope, however, your petitioner was grievously disappointed; for, notwithstanding the unanimous concurrence of the public authorities in England in the justness of the objections urged by him to the appointment of the Presbyterian minister in India, and their immediate orders to remove the individual from his office, which have since been put into execution, your petitioner was still punished with the most unrelenting severity, for merely presuming to anticipate their decision, and every application made by him for leave to return to his property, his friends, and his pursuits in India, was invariably rejected, without any reason being assigned for these repeated denials of so humble and reasonable a request.

14. That your petitioner further found, to his extreme sorrow and dismay, that the Indian government, not content with banishing him from the country, had taken advantage of their great power, first to pass and register the regulation for a pretended disregard of which your petitioner was banished *before* it had the force or sanction of law: next, to make another regulation, placing every press in India under a licence revocable at pleasure: and lastly, notwithstanding the solemn assurance of the chief justice of the King's Court, Sir Francis Macnaghten, that the property vested in existing journals should be respected, and that without a guarantee from the Indian government to this effect he would not have given their regulation the force of law by registering it in the Supreme Court, proceeding in utter disregard of this solemn and public pledge, to carry into effect a series of consecutive measures, by which the whole of the property left by your petitioner in India, in this supposed security, has been swept away.

15. That the most valuable portion of this, the copyright of the "Calcutta Journal" was actually taken from your petitioner and his co-proprietors, without any consideration being tendered for the same, and then presented as a free gift to the son-in-law of one of the members of the very government under which this extraordinary transfer of property

took place : the government having previously decreed, that so long as any portion of the property thus transferred should belong to your petitioner, though he was absent at the distance of thousands of miles, and could not possibly influence its management, or indeed, so long as he or any of the 160 English gentlemen of wealth and character who held shares in his journal had any property whatever, even in the types, presses, or other materials of printing, no licence should be granted for their use, and no benefit be received from them by their lawful owners, though they were subsequently permitted to be used by the favoured individual adverted to, for his own sole and exclusive advantage.

16. That in consequence of these measures, the ruin of your petitioner has been so completely and entirely effected, that instead of being possessed of an income of 8,000*l.* sterling per annum, from a property of the saleable value of 40,000*l.*, which he enjoyed at the period of his banishment from India, he has been utterly deprived of both income and capital, and is moreover now involved in debts to the extent of at least 10,000*l.* more, from the measures pursued towards his property in his absence, and against which no foresight on his part could possibly have provided.

17. That on hearing of this dreadful calamity, which threatened to plunge your petitioner and his family into irretrievable misery, he again solicited the Court of Directors for leave to return to India, for ever so short a period, to be named by themselves, merely to gather up the wreck of his scattered and ruined property, and to prevent the further accumulation of debts which it might take him a whole life to repay; when this permission was also denied, without any reason being assigned for so unexpected a rejection of this last hope of saving himself from inevitable destruction.

18. That your petitioner, desiring to pursue only the fair and legal modes of remedy which were supposed to be open to him, has never once resorted to clamour or to factious proceedings of any kind, in all the attempts he has made to obtain redress; that though goaded to the very brink of despair, he has never written any but the most humble and respectful memorials to the Indian authorities, and has submitted the public discussion of his case to the advocacy of others, rather than trust his own feelings in the expression or delivery of his appeal to those from whom he had hoped for sympathy and relief. But that all this caution and consideration has availed him nothing, as he now finds himself more severely punished for the exercise of an universally acknowledged virtue than he could possibly have been by any law for the commission of the greater offences; for that even a sentence of solitary imprisonment for seven years, heavy as such a punishment may seem, for merely venturing to question the propriety of an appointment, no sooner heard of in England than it was annulled, would have been to him a less grievous infliction of evil, as he might have survived such an incarceration, and passed the remainder of his life in enjoyment and repose; and had he even expired in a dungeon, he might have died with the consolation of knowing that his family and children would have enjoyed the property he had so hardly earned; whereas he has now the additional agony of having his existence prolonged, to witness not only his own destitution, but the total destruction of all their infant hopes, doomed, as they now are, to be made sufferers through life, for the supposed errors of their parent, and on his account to be cast upon the world in a condition which he can never contemplate without horror.

19. That all other means of redress having been tried in vain, his prayers rejected, and his hopes continually ending in bitter disappointment, your petitioner now approaches your Honourable House, imploring them to take his unhappy case into their earliest consideration, and to afford him such relief as to their wisdom may seem meet; in the humble but earnest hope, that they cannot behold with indifference the utter ruin of an innocent fellow-subject, without that protection of trial before punishment, which is not denied to the most abandoned criminals in this and every other civilized country of the earth.

And your petitioner, as in duty bound, will ever pray.

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

1826.

Jovis, 18^o die Maii, 1826.

LORD JOHN RUSSELL, IN THE CHAIR.

James Charles Colebrook Sutherland, Esq., called in ; and Examined.

1. (*By Mr. Buckingham.*) IN what capacity did you reside in India?—I was in the civil service of the East India Company, and latterly as a merchant and agent at Calcutta, a member of the firm of Alexander & Co. *J. C. C. Sutherland, Esq.*

18 May 1826.

2. Will you have the kindness to look at that pamphlet—[*a pamphlet being handed to the Witness*]; do you remember a pamphlet of that description?—I do; I recollect it being circulated at the time when the shares were offered to the public, I recollect it being circulated, and receiving a copy of it.

3. Did you yourself purchase a share upon the faith that that was a true representation of the property?—I was quite satisfied in my own mind that the Journal was then a very thriving one.

4. (*By the Committee.*) Did you purchase a share?—Yes, I did.

5. When did you purchase that share?—I suppose it was in 1822.

6. Did you purchase that share upon the faith that that statement was a correct one?—I regarded it as a correct one; I knew that the Journal was in a state of large income; I had been a subscriber to the Journal.

7. If you had not had a general faith in the accuracy of that statement, you would have thought it your duty to have examined more closely into it?—Certainly.

8. (*By Mr. Buckingham.*) What was the price you paid for one share?—One thousand rupees.

9. What proportion was that share?—One out of 400, I think.

10. A 400th share?—Yes.

11. What value in sterling money did that whole sum make?—That would be 40,000 *l*.

12. (*By the Committee.*) You mean to state that 40,000 *l*. was the value of the Paper at that time?—At the value of 1,000 rupees per share.

13. (*By Mr. Buckingham.*) Do you know any other individuals who, like yourself, purchased shares upon the faith of this statement?—I cannot speak to their motives; I know the fact that others did buy shares, and that our house received the money.

14. Do you recollect that account—[*a paper being handed to the Witness*]?—I do; it is an extract from our account; it is called “J. S. Buckingham’s Special Account;” it was open to receive the subscriptions for the purchase of those shares.

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15. With

MINUTES OF EVIDENCE TAKEN BEFORE

C. C. Sutherland,
Esq.

18 May 1826.

15. With what house?—The house of Alexander & Co.
16. What is the amount of money acknowledged to have been received upon that account?—There are 69,437 rupees received up to the 15th of February 1823, commencing with the 5th of August 1822.
17. Sixty-nine thousand rupees make about 70 shares?—Yes.
18. Each of those individuals you believe really to have paid the sums set opposite to their respective names?—The receipt would not have been acknowledged unless they had. That includes 1,400 rupees interest.
19. Will you count the number of shares?—[*The Witness counted them.*] There appear to be about 67 subscribers there; the sums are received in instalments, therefore I cannot count them very accurately; I think there are about 68 purchasers.
20. In point of fact, the amount of money received is 69,000 rupees?—Including the 1,400 rupees interest.
21. And those 69,000 rupees were received for shares purchased at the same rate at which you yourself purchased, namely, 1,000 rupees for a 400th share?—Yes, there was some difference; I believe some people paid 1,200 rupees, and I believe they had some extra privilege of a library, or something.
22. Do you recollect that account—[*a paper being handed to the Witness*]?—Yes; it is the private account of Mr. Buckingham with our house.
23. At the close of it, you see five names entered for shares in the Journal?—There are so.
24. Were those five additional shares?—Yes, not included in the other money; received after that account had been closed and the money transferred.
25. At what rate were they received?—One thousand rupees for each share.
26. What is the date of the first entry of a share?—It is money received the 18th February; it is money received from people residing at a distance from Calcutta, except Mr. Turton, who was recently arrived.
27. Do you happen to remember that any individuals purchased shares who would not have their names entered as shareholders, and who did not desire to be known as such?—Yes, I think I have heard of one individual that did so.
28. (*By the Committee.*) Do you know of it?—Yes, I do.
29. You have said that you made this purchase on the faith of the statement which has been put in here; the Committee would ask, whether you considered it to be made on the ground of a fair mercantile speculation, in which you were likely to get your full value for the money you advanced?—The sum was small; I cannot say that I ever calculated the profit and loss very minutely; but if I did not think there was something nearly equivalent, I would not have bought a share of 1,000 rupees.
30. The object of putting this question is to know whether you were influenced in some degree by a disposition to assist Mr. Buckingham abstractedly from any view of profit?—Certainly not. I had no acquaintance with Mr. Buckingham, at least a very slight acquaintance, at that time.
31. Did not Colonel Young, who is a partner in your house, take a particular interest in the success of Mr. Buckingham's paper?—I believe he was a friend of Mr. Buckingham.
32. Were you not influenced in some degree by a desire to accede to the wishes of Colonel Young, who particularly patronized Mr. Buckingham's paper?—No, certainly not. Mr. Young never proposed to me to take a share; we were agents to Mr. Buckingham; and I might have so far a desire to patronize a concern of Mr. Buckingham's, he having patronized our house. If I had supposed that that paper of Mr. Buckingham's was fallacious and altogether unfounded, I would not have purchased a share. It was a matter of indifference to me, it being so small a share, whether it was a concern of profit or loss.
33. How long did you hold that share?—I hold it to this present moment.
34. What interest did you receive upon it?—I received two dividends, one I think of 12 per cent. and the other was less, but I am not certain. Mr. Buckingham has some accounts upon this subject.
35. Twelve per cent. the year or half year?—I forget whether it was the whole year; I know we received two dividends.
36. Was that immediately preceding the suppression of the paper?—The first dividend was about a year before the suppression of the paper, and the next about

six months before the suppression of the paper ; if I put my eye upon the papers *J. C. C. Sutherland, Esq.* I could tell exactly.

37. You have stated what was the value of this Journal ; did you consider the Journal to be generally a very prosperous one ?—Certainly.

38. Will you state to the Committee to what cause you ascribe its prosperity, as compared with other journals there ?—We were agents of Mr. Buckingham ; and we knew he was in the receipt of large sums of money.

39. To what cause do you ascribe the comparative success of this Journal ?—That it was popular among the European residents in India.

40. What was the ground of its popularity ?—Being ably edited.

41. Do you conceive that any animadversions which were known to be contained in it regarding the conduct of the Government, and the constituted authorities, and other individuals there, had any influence in promoting the increased circulation or the increased popularity of it ?—It is not possible to say that. There were people who took in the Journal of all politics.

42. Then you can form no opinion upon it ?—I suppose that a journal that contains liberal and free discussions on any subject would be likely to be acceptable to a numerous class of readers.

43. Do you know of your own knowledge that the Calcutta Journal at that period contained animadversions upon the conduct of the Government ?—No, I am not aware on the Government.

44. On any of the public functionaries ?—Certainly ; occasionally there were free comments in the shape of letters.

45. On what ?—There were occasionally comments on particular acts of public officers.

46. Give an example ?—I do not recollect any at this moment.

47. Was there to your knowledge any animadversions in that paper on the character or conduct of the Governor of Madras ?—I think I recollect reading some remarks of the editor regarding the non-recognition of a privilege granted by the Bengal Government for passing his paper free of postage ; that is the only instance I recollect.

48. Do you recollect any consequence that followed upon that animadversion ?—I think that the John Bull newspaper and the Journal were at war.

49. Was any notice taken of it by the Government ?—I learned from the newspaper discussions that there was.

50. It does not consist with your knowledge that the Governor-general took any notice of that animadversion upon him ?—Certainly not ; it is merely from what I saw in the papers.

51. Did any part of the increased value of that paper, in your opinion, arise out of that animadversion upon the conduct of the authorities of Madras in not recognising the privilege of the paper passing free of postage ?—I take for granted that the paper was in full circulation at the time when it happened.

52. Will you explain to the Committee what was the nature of the interference on the part of the Madras government with Mr. Buckingham's paper ?—I know nothing but what I read in Mr. Buckingham's paper, and the other papers at the time.

53. Was any notice taken by the Governor-general of that remark regarding the government of Madras ?—I believe there was. My ground for believing it is what I read in the papers at the time.

54. What was the nature of the steps taken by the government ?—The John Bull informed us that they reprimanded Mr. Buckingham.

55. Were those shares transferrable ?—I always regarded them as such.

56. What was the value of those shares at the time the paper was suppressed ?—I do not know.

57. Were they at a premium or at a discount ?—I should think they were at a discount at the time the paper was suppressed.

58. At a considerable discount ?—At a very considerable one, with regard to the price paid when the paper was thriving.

59. This paper was established in the year 1818 ?—I believe it was.

60. When was the house with which you were connected first connected with the paper ?—I was not in the house in 1818, nor had the house any transactions with Mr. Buckingham till much later, probably in 1821.

61. Will you state when the connexion of Mr. Alexander's house with the paper began ?—When Mr. Buckingham went away ; we were only his bankers before he was sent out of the country.

J. C. C. Sutherland,
Esq.

18 May 1826.

62. Can you state anything as to the actual capital embarked in the paper when it first set out?—No, I have no knowledge of that.

63. Your only acquaintance with the paper began quite at the close of it?—Our house were his bankers, and we were in the receipt of large sums of money, which we suppose arose from this paper, which passed through our books.

64. Of your own knowledge, you can speak to nothing earlier than 1821?—No, nothing.

65. What was the value of those shares at the time of the removal of Mr. Buckingham from India?—It would be impossible to say the specific value, but they had greatly depreciated. In fact, Mr. Buckingham's removal had depreciated the property.

66. Were the shares at a discount previously to the suppression of the paper?—The shares were never offered for sale; I never heard of any shares being bought and resold.

67. It was subsequently to the suppression of the paper, that you state that they were at a discount?—With reference to the price paid for them, they were; but I never heard of any sale of a share.

68. Then they may have borne the same value after the suppression of the paper that they did before?—I should have been very glad to sell mine for 200 rupees.

69. At what period would you have been glad to have sold your share for 200 rupees?—When the paper was abolished.

70. What do you mean by "abolished," do you mean its ultimate suppression, or the removal of Mr. Buckingham?—When the licence was suppressed.

71. What was the value of the shares in this paper before Mr. Buckingham was removed from India?—The only criterion we had to judge was, what was paid for a share. Mr. Buckingham offered for sale, I think, 200 shares; I am not certain as to the number he offered for sale, and I know he sold upwards of 70 by our own books.

72. What could you have got for your original share if you had been disposed to sell it at that time before his removal?—Less than 1,000 rupees, because Mr. Buckingham had not disposed of the whole amount that he offered for sale.

73. Were not five or six shares sold after Mr. Buckingham departed, for which your house received 1,000 rupees per share?—I do not know when they were sold; we received the money after we had closed that special account. Mr. Turton bought one share, and he must have bought it after that account was closed, because he was a resident of Calcutta.

74. Did he pay the same price for it as you had paid?—He did so.

75. Do you not from that fact consider that the price was not depreciated up to the period that Mr. Buckingham was ordered to leave?—Certainly. The fact that Mr. Turton paid 1,000 rupees looks like it.

76. Do you know when Mr. Turton made the agreement for that share?—Soon after his arrival, and he arrived, I believe, in February 1823.

77. The Committee have understood you to state, that five shares were paid for after Mr. Buckingham's removal?—After we closed that special account, which was closed when he was removed in February 1823; after that we received payment for five shares; of those five shares one was purchased by Mr. Turton, who had recently arrived at Calcutta; the others are distant residents, and they may have bought their shares some time before, and have paid for them subsequently.

78. Were any of the other four resident in Calcutta?—[*The Witness referred to the account.*]—There is William Palmer, he is at Hydrabad; there is Major Sweetenham, he must have resided at a distance; and J. W. Sutherland, I believe he is a resident of Patna, but he is occasionally in Calcutta, perhaps he is a resident in Calcutta.

79. Having looked at those names, what reason have you for stating or believing that those shares were purchased before the removal of Mr. Buckingham?—I have no reason to believe it; it is possible that it might be the case.

80. Have you, of your own knowledge, any reason for concluding one way or the other?—No.

81. Do you happen to know who was the editor of the paper after Mr. Buckingham's removal?—Mr. Sandys.

82. Was the circulation of the Journal equally great under Mr. Sandys as when Mr. Buckingham left India?—I believe it began to decline under Mr. Sandys.

83. Was

83. Was not Mr. Turton professionally employed by Mr. Buckingham?—He was; he was not his leading counsel. Mr. Ferguson was his leading counsel. *J. C. C. Sutherland Esq.*

84. Was the purchase made after he so became employed, or previously?—I should think it was made before, but I am not certain of that. *18 May 1820.*

85. Do you not consider that the paper maintained its original character and circulation up to the moment when the India Government interfered with it?—I conceive that the paper was then in its greatest circulation just before the time of Mr. Buckingham's removal.

86. In your opinion, did not the paper maintain its original character and circulation up to the very moment when the India Government interfered with Mr. Buckingham?—I should think so.

87. Do you mean by the revocation of the licence?—No.

88. You mean by his removal from India to England?—Yes.

89. You have stated that some individuals paid for their shares subsequently to the removal of Mr. Buckingham?—I do not know that it was subsequently to his removal; I believe the account was closed when he was upon the point of removing.

90. Do you conceive that the value of those shares fell from the moment when Mr. Buckingham was removed from the editorship of that paper?—I should certainly consider my share as less valuable when Mr. Buckingham was removed; because a good deal of the value of those shares consisted in Mr. Buckingham being the editor, who was generally supposed to be an able and industrious editor.

91. What situation did you fill in Mr. Alexander's house?—I am a partner in the house.

92. You are a partner now, are you?—I am.

Mr. James Silk Buckingham, called in; and Examined.

93. HAVE you any statement to make as to your vesting progressively a capital of more than 20,000 *l.* sterling in the establishment of your Journal?—If the Committee will permit me, I will read the preliminary observations which are appended to this estimate of the stock upon which the purchase of the shares was made, those observations going to show how, year after year, additions were made to the stock. The first purchase of the property cost 30,000 rupees, in the year 1818; after that there was an outlay, for the purchase of printing materials in Calcutta, of different offices, to the amount of about 20,000 rupees. Then there was the purchase of the copyright of another paper called the Sunday Guardian, for which 10,000 rupees were given, and which was added to that of the Calcutta Journal: that was in the year 1821. Then there was a certain sum of money laid out upon buildings constructed in a place called Garstans Buildings, to the amount of 8,000 rupees. After that, on the removal of the printing concern to another place, at Mr. Birch's premises, 12,000 rupees were laid out in the construction of printing offices alone. Then by the augmentation of the library, in the purchase of books for the library, and the fitting up of this new printing-office, money was laid out to the extent of about 10,000 rupees. During the same period supplies were sent to me from Mr. Richardson, the bookseller in London, to the amount of 5,835 *l.* sterling. I beg to say that Mr. Richardson is here, and may be put into the box to corroborate the accuracy of this statement. I have no distinct recollection of any addition made to the property after that, in the purchase of materials, except that I know on every occasion when things could be purchased to add to the value and effectiveness of this concern, it was done. The whole amount of those sums will be about 10,000 *l.*; and here is the account from Mr. Richardson of a progressive supply to the amount of 5,835 *l.* in addition to the money laid out.

Mr. J. S. Buckingham

94. A supply of what?—Printing materials, presses, types, books, papers and pamphlets, consumable materials and unconsumable ones; the schedule itself contains an account of consumable materials and other things in the warehouses, which formed a part of the stock in trade as much as the types and presses.

95. How much of that was for books?—Perhaps from 4,000 *l.* to 5,000 *l.* sterling; it was chiefly a circulating library.

96. To which your subscribers had access?—Yes; it formed one part of the value of the paper that they had access to the library gratuitously. In order to account for the difference that may appear between the value of the things successively added, and the account of the things given in the schedule, I beg to state that in this account I have stated the amount actually paid, but those things, for

Mr.
J. S. Buckingham.
16 May 1826.

which 5,835*l.* was given by Mr. Richardson, might be well worth in Calcutta at least 8,000*l.* Those gentlemen here who have been in India will know that things are not to be bought there at the price at which they are put on board in London; and therefore in making out a schedule of the value of the property for sale, it is put at an amount more than it actually cost me, because the sum that it cost me was paid in London, and there was the additional value which all this property had derived from the long voyage.

97. What was the circulation of your newspaper before you left India?—Nearly 1,000 copies per day.

98. Shall you not have the means of stating that exactly?—I have a list of the subscribers, and the number of copies sold.

99. What was the price of your paper?—Sixteen rupees per month. Here is a list to which I can speak, which will give precisely the monthly receipts for six months previously to the sale. In the month of July 1822, the total amount was 13,029 rupees; for August, 12,183 rupees; for September, 12,320 rupees; for October, 13,436 rupees; for November, 12,745 rupees; and for December, 13,789 rupees.

100. What year was that in?—That was in the year 1822; and I was removed from India in February 1823. That account comes down to within six weeks previous to my removal.

101. Being at the rate of nearly a lac and a half of rupees in a year?—At an average of 13,000 rupees a month; it is exceeding a lac and a half.

102. Can you state what the circulation of the paper was at the time the Government took away the licence of publication?—I have an account of the gradual diminution of the value. From the time of my removal it began gradually to diminish.

103. What was the date on which the Government withdrew the licence from the Calcutta Journal, after you left India?—On the 9th November 1823.

104. What was the monthly circulation of your paper from the time you left India up to the time your licence was withdrawn?—Perhaps that may be best inferred from the receipts. In the month of February the amount of receipts was 13,768 rupees.

105. When did you leave India?—In the beginning of March; but the order for my removal from India took place in the beginning of February; and from that moment the paper began to decline. In the month of February the receipt was 12,888 rupees; in March, 12,197; in April, 11,378 rupees; in May, 11,213 rupees. For June the books had never been received; they were supposed to be in some ship that was lost. In July, 9,617 rupees; in August, 8,757 rupees, in September, 8,686 rupees; in October it began to rise a little again; it was 8,936 rupees; then on the 9th of November the paper was suppressed.

106. Was that the net profit, after paying all expenses of the establishment?—No, that was the gross receipt. In the month of October the total receipts were 8,936 rupees; the profits were 2,234 rupees for that month, after paying all expenses.

107. Can you state the profits of the preceding months?—Yes.

108. Were the profits in the preceding nine months somewhere about the sum of 2,000 rupees?—They were greater. The expenses bore always a certain proportion to the profit, because everybody upon the establishment was paid by a percentage upon the actual receipts; therefore the editor's salary was diminished as the receipts diminished. 75 per cent. is allowed for expenses, and 25 per cent. was put by for profit for the shareholders; that is to say, there was a contract to pay all expenses out of the 75 per cent.

109. Taking the year's income at the rate you have stated for the month of October, what was the annual surplus division among the proprietors of that paper?—At the period of the suppression of the paper, it could not be considered to be yielding more than 3,000*l.* per annum.

110. Do you state these facts from the books sent you home by your agents, or from what documents?—From books which I now have before me, kept by the clerk in the office of the Calcutta Journal itself.

111. If the circulation of the paper went on increasing in December 1822 and January 1823, how do you account for the shares being at a discount?—They were not at a discount then, they were at a discount at the time of the suppression. Up to the period of my removal they were standing at the original price; but after my removal they began to decline.

112. What

112. What was the highest monthly net income that the newspaper ever produced?—The highest was a short period before January, because in the winter months persons are much moving about, and they decline receiving papers; they are stirring about from one country to another; there is a gradual diminution of circulation in the winter-time, and a corresponding increase in the summer-time. The largest net profit that I ever recollect to have received was 6,000 rupees in one month.

113. What month was that?—About the month of September or October 1822.

114. When the newspaper was flourishing, what was the annual income you derived from it?—In the month of January the profits to the shareholders were 4,106 rupees per month.

115. What were the profits in the year?—That would be between 5,000*l.* and 6,000*l.* per annum.

116. You state that the original capital was 30,000 rupees?—Yes.

117. What portion of that did you yourself contribute?—The whole.

118. Did you borrow the whole of the capital?—I borrowed the whole.

119. Then you did not act as the editor only, but as a joint proprietor?—I was then sole proprietor.

Mr.
J. S. Buckingham.

18 May 1826.

Veneris, 19^o die Maii, 1826.

LORD JOHN RUSSELL, IN THE CHAIR.

Colonel *William Franklin*, called in; and Examined.

120. (*By Mr. Buckingham.*) WERE you in India about the year 1822?—Yes, I was; I have just left it.

121. In what capacity were you there?—I was a lieutenant-colonel on the Bengal establishment, on the invalid establishment, and regulating officer for the district of Bhagulpore.

122. Do you recollect any proposition for the sale of shares in the property of the Calcutta Journal?—Yes, I recollect proposals being sent to me from the editor, Mr. Buckingham, to subscribe to the paper, to take a share as a shareholder in it, of which, as I understood, there were to be about 400.

123. Did you yourself purchase a share in the Calcutta Journal?—I did.

124. What was the price you gave for that share?—I paid 1,000 rupees through my agents, Messrs. Alexander & Co.

125. You understood that share to be one four-hundredth part of the whole?—I did so.

126. How long did you hold that share?—I held it till the paper was suppressed by the order of the Government of Bengal.

127. Then you have that share now?—That share is mine, but I receive nothing from it.

128. Did you receive any dividend before the suppression of the Journal?—I did receive one dividend.

129. Do you happen to recollect what the per-centage of that dividend was?—I think it amounted to about 18 per cent. in value for my 1,000 rupees.

130. Eighteen per cent. per annum?—I think it was per annum.

131. Did you not likewise receive a copy of the paper free?—Entirely so. I received the paper, which I read for about two years, or something better. I had the paper into the bargain, in addition to the money dividend paid to me on one occasion. I only received one dividend.

132. (*By the Committee.*) Are the Committee to understand that you had a free copy of the paper during the time you were a proprietor, in addition to the 18 per cent. money dividend?—Entirely free.

133. (*By Mr. Buckingham.*) What was the subscription for the paper per month?—I do not recollect that; I believe in general the paper cost a rupee a day; it was a rupee a paper in general in India; I cannot exactly recollect the precise price of it.

134. (*By the Committee.*) Did you receive the paper free of postage, or did it bear postage?—I cannot answer to that just now. I do not recollect whether I paid postage or not, but I rather think it was free of postage. As the paper was free, that must of course come upon the proprietor.

Colonel
William Franklin.

19 May 1826.

MINUTES OF EVIDENCE TAKEN BEFORE

Colonel
William Franklin.

19 May 1826.

135. You received the paper in 1822 and 1823?—From the time that I was a shareholder; but I had that paper before that; I was a subscriber.

136. You received the paper free from the time you held a share in it?—Yes.

137. And you received a dividend in the first year?—The first year I received a dividend.

138. But no dividend the second year?—I had none the second year; it was broken up.

139. How long did you continue to receive the Journal after Mr. Buckingham's removal from India?—I cannot exactly say; I did receive the paper after for some time, though I did not receive a dividend; I do not exactly recollect up to what period, but it ceased all of a sudden, as far as I recollect.

140. You do not recollect the time that you received the paper after Mr. Buckingham's removal?—Not the precise time.

141. Was the Calcutta Journal held in general estimation?—It was held, generally speaking, in very great estimation, as it contained a great deal of information of a literary nature, and treated upon various subjects of mineralogy and science, and it contained a great deal which was in general estimation. It was a very excellent paper, as far as the information in the paper went.

142. Upon what notion of the value did you pay 1,000 rupees for a share of the paper?—I conceived it a very eligible thing in my circumstances that I could improve my fortune, by getting that interest which I could not get any where else in the country.

143. Had you any specific information upon the subject?—Not the least; I chose it myself entirely.

144. Without any information furnished to you?—No, not the smallest.

145. Was more than one share offered to you?—I might have had as many shares as I pleased.

146. Why did not you take a great many more?—Because I was not able to afford it; I was a poor man, and am still, though I have been in India 40 years.

147. Do you know anything of the sale of that paper?—I believe it had a very general sale throughout India.

148. Had it a more extensive sale than any other paper there?—I believe much more.

149. Was it looked upon to be better conducted than any other paper?—It was looked upon to be as well conducted, generally speaking, as a paper could be.

150. Did you ever hear of any shares being sold at a discount?—I never did.

Mr. Sandford Arnot, called in; and Examined.

Mr.
Sandford Arnot.

151. (By Mr. Buckingham.) AT what period were you first connected with the office of the Calcutta Journal?—In March 1821.

152. During the time you were attached to that office, do you recollect any progressive increase in the value of the paper, by the addition of stock and materials to it?—Yes.

153. Were you acquainted with the removal of the paper from certain small premises to larger ones that were built expressly for the purpose of carrying on the business?—Yes.

154. Do you recollect a considerable outlay of money upon such buildings constructed for the new concern?—Yes, I recollect there was a range of printing-offices newly built.

155. Do you know that, soon after the removal to those new and more extensive premises, large supplies of type and presses, iron presses and other things, arrived from England?—Yes, I recollect it.

156. Do you recollect anything of this prospectus [*a pamphlet being handed to the Witness*]?—Yes, I recollect that pamphlet being circulated in India, and I have seen it frequently since.

157. What does that pamphlet purport to be?—It is a statement of the value of the materials which constituted the property of the Calcutta Journal, and also its productive value according to the monthly receipts.

158. You being attached to the office at that time, did any doubt ever occur to your mind as to the accuracy of that statement?—I believe I was not attached to the Journal exactly at that period when this valuation seems to have been made.

159. Did you ever hear any doubt raised upon its accuracy?—No, I do not recollect

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recollect ever hearing it, I have no recollection of any person having cast any doubt upon it. I recollect discussions in the John Bull paper and other papers censuring that prospectus; but I have no distinct recollection of what grounds they took.

160. Do you happen to know that any persons purchased shares upon the faith of that prospectus?—I understood from Mr. Buckingham and other persons that there were a considerable number of shares sold, at what period I do not recollect; I heard them mention the number of 70 as having been sold.

161. You were acquainted with the general receipts of the paper at the time that I left India?—I have a general recollection that they were about 8,000 rupees a month.

162. Should you recognise any accounts of the office if you were to see them?—Yes, I should know the handwriting of Mr. Heckford; but in giving my last answer I cannot speak with accuracy, as my recollection has not been refreshed by any document for three years.

163. Is that a book which came from the Calcutta Journal office; do you recognise the manner in which the accounts are kept [*a book being shown to the Witness*]?—Yes, it has the appearance of the books that were kept. I do not know that handwriting.

164. Will you look down that page and see if that contains an account of the receipts and disbursements for the month of January [*a page being pointed out to the Witness*]? Do you consider that to be an account furnished by the clerk of the Calcutta Journal, and the matters contained in it to be true?—Yes, I have no doubt it is, but never having had any connexion with the pecuniary concerns of the paper, I do not think I can be positive upon that subject.

Mr. Buckingham stated that the gentleman who kept that book, Mr. Heckford, being dead, and the book not being signed by Mr. Heckford, he had no other means of proving the accuracy of the account than by that course of examination.

[*An account was handed to the Witness.*]

165. Do you know Mr. Heckford's handwriting?—Yes, I believe that to be Mr. Heckford's writing.

166. Do you believe the signature to that account to be Mr. Sandys's writing?—Yes.

167. What appears to be the amount of disbursements and receipts in April 1823?—11,427, and the expenditure 8,570; and the balance stated here is 2,856 rupees.

168. Were you present in Calcutta in my employ at the time I received the orders of Government to quit India?—I had formed an engagement with you a week or two previous to your receiving that order, and I joined your office about the period that you received that order.

169. Do you recollect the nature of the instructions I left behind me for the management of my property when I came away?—Yes.

170. Have you any particular recollection of those instructions?—Yes, I have a particular recollection; because you put a printed paper containing a memorandum of the things you wished to be attended to in your absence, into each of our hands at that time; and you to-day gave me a copy of that paper, which I know to be the same that I formerly received.

171. Have you got a copy of that paper?—Yes. [*The Witness produced it.*]

172. You recollect the fact of my removal from India?—Yes.

173. Do you recollect how long the paper continued to go on after I was removed?—The order for removal was in February, and the paper went on till the November following.

174. Do you recollect that the paper was then entirely suppressed by the withdrawal of the licence?—Yes; I was in Calcutta at the time; I recollect perfectly well it being suppressed.

175. This paper having been suppressed, do you recollect whether any efforts were made by the proprietors to get a renewal of the licence for the sake of retrieving the loss sustained by the suppression?—Yes, I recollect hearing from Mr. Ballard, of the house of Alexander & Co., and from James Sutherland, who was connected with your office, that efforts were made for that purpose; I was informed of it by the persons that made the efforts.

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landford Arnot.
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176. (*By the Committee.*) Do you know by whom the valuation was made of the stock that appears in that pamphlet?—I think it was made in July 1822.

177. Who made the valuation?—I was not then connected with the Calcutta Journal, and I do not know anything respecting that.

178. How long were you connected with the Calcutta Journal?—In June 1821, a paper that was then carried on was discontinued, and I was from that time connected with the Calcutta Journal till about June or July 1822, about a twelvemonth; I subsequently was connected with it from February 1823 till August in that year, when my removal from the country being ordered, I resigned my situation, and from that time ceased to be connected with it.

179. You have mentioned that in April 1823 the net profit of the Journal was 2,000 rupees; do you know what it was in the subsequent months till it was suppressed?—I have no precise recollection, except that there was a falling off.

180. In the month of April 1823, you say it was 2,000 rupees?—Yes.

181. What was it in the subsequent months?—I have no precise recollection, but there was a depreciation.

182. Up to what period do you speak?—I think there was a gradual and continued depreciation.

183. Till when?—Till August, I think that was the period when I ceased to be connected with it.

184. You cannot speak to any period later than August?—Not from my own knowledge.

185. Can you state of your own knowledge, that any of the statements in that pamphlet are true?—I have seen that pamphlet, but I could not speak to it.

186. Do you know whether any one of the statements in that pamphlet is true?—Respecting individual statements; I would speak to individual statements.

187. Here is "A general Statement for the information of Shareholders in the Calcutta Journal;" do you know of such a pamphlet as that?—I saw that pamphlet at Calcutta at the time it was circulated. I was not connected with Mr. Buckingham at that time.

188. Do you know whether the statements which this pamphlet contains are or are not true of your own knowledge?—I can have no knowledge of what has taken place in Mr. Buckingham's concerns.

189. Are the Committee to understand that you are not aware whether those statements are or are not true of your own knowledge?—I certainly have a general impression that the produce of that paper was as stated in the pamphlet; but I have no personal or individual knowledge of the fact.

190. Then may the Committee infer, that your belief in the statements of this pamphlet arises from your knowledge of Mr. Buckingham, and from no other source?—I was not then connected with the Calcutta Journal office.

191. Upon what ground do you believe the statements in this pamphlet to be correct?—On this ground, that it was circulated all over Calcutta, put into the hands of many individuals, who had an opportunity of inquiring into the facts, and that I was informed (probably the shareholders may be able to speak to the fact,) that they received a dividend upon their shares, which fulfilled the anticipations they were led to form by that pamphlet; but I do not know any of those things upon my own knowledge.

192. What reason have you for believing that the monthly income of the paper amounted to 8,000 rupees?—I think it may have been mentioned to me.

193. You were not the book-keeper?—I was not the book-keeper; I have no distinct knowledge upon this subject. That was a sum named to me.

194. By whom did you hear that sum named?—I recollect the accountant in the Calcutta Journal office (but I am not sure of the period at which he said so, it might be the year before, or it might be some other period,) mentioning the sum of 8,000 rupees. Whether that was the net proceeds, or the gross receipts, or the gross expenditure, I would decline speaking to positively.

195. Do you know whether that pamphlet or prospectus was a statement submitted to the public, and on which valuation certain individuals purchased shares?—I certainly am perfectly satisfied that that is the very pamphlet which was circulated in Calcutta, or a copy of that pamphlet which was printed in the Calcutta Journal at the time, and circulated.

196. Have you any doubt that that prospectus was the statement submitted to the public, when Mr. Buckingham proposed to sell shares in his paper?—I have no doubt whatever that that is the very prospectus.

197. Have

197. Have you any doubt whatever that on that prospectus and valuation the individuals who became proprietors purchased their shares?—I have no doubt of it.

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198. Can you mention any one instance?—I recollect the accountant of the Calcutta Journal informing me that he himself had a share; but whether he purchased it upon that pamphlet, or upon his own private knowledge of the property, I cannot say.

199. Were you paid in proportion to the profits of the paper?—I was.

200. That being the case, of course you knew what the profits of the paper were at stated periods?—I knew at those periods. I had a general knowledge to satisfy me with what I was paid in that manner; but this was not one of those periods, because I was not connected with the Calcutta Journal at that time.

201. During the time you belonged to the paper were you paid, and were the rest of the establishment paid, by a proportion of the profits, or had you all fixed salaries?—During a considerable part of the time, and especially latterly, we were paid by a per-centage on the receipts; and I before answered that I had a personal knowledge that there was a depreciation.

202. What was the highest monthly income you derived at any one period from the profits of this paper?—It fluctuated between 400 and 300 rupees per month.

203. It never was more than 400 nor less than 300 rupees per month?—I should think that during that period, from the time of my second connexion with the Calcutta Journal, that is, about the period when Mr. Buckingham was removed, it was between 300 and 400.

204. Were you paid three per cent. upon the profits during the time that you were in the office of the Calcutta Journal?—Yes, I think it was three per cent.

205. Are the Committee to understand that the sum of 400 rupees per month was the highest salary that you ever received in the employment of Mr. Buckingham?—Yes.

206. And the lowest 300?—I did not say so; I said that during that period, from the time this book was printed till the period that I ceased to be connected with it, it fluctuated between 300 and 400.

207. Are the Committee to understand that the highest salary you ever received in the employ of Mr. Buckingham at any period of your life was 400 rupees per month?—I think that 400 is beyond the highest receipt.

208. What was the smallest sum you ever received per month in the employ of Mr. Buckingham?—I think when I first knew him it was about 100 rupees, and that was about the lowest.

209. At what period was it that you received only 100 rupees?—In 1821.

210. Are the Committee to understand that you were at first employed on a fixed salary, and not on a per-centage?—On my first connexion with the Calcutta Journal, it was my impression that a certain sum was named.

211. Were you employed in the same department during the whole of that time?—When I first knew Mr. Buckingham we commenced a new paper, and I was to be paid, and was paid by a per-centage upon that paper; that per-centage was calculated not to fall short of about 100 rupees, that being considered as a minimum; we shortly after discontinued that paper in about three months; I then became connected with the Calcutta Journal, and my salary may have been fixed then at 200 or 250.

212. Were you in the same department during the whole of that time?—I conducted one paper, and that paper was dropped, and then I became attached to the Calcutta Journal; that was of course a change of my department.

213. In what situation were you employed in the Calcutta Journal; what was your office?—I occasionally made reports of proceedings in the Supreme Court, and wrote essays on such subjects as I chose, and corrected matter for the press.

214. You were partly editor?—I assisted in revising proofs, and in the general duties of getting up the publication.

215. Did you ever receive more than three per cent. after Mr. Buckingham's departure?—No, my terms were never altered after Mr. Buckingham's departure.

216. It appears by a book before the Committee that you at one time received three and a half per cent., and that your monthly receipt, according to that rate, was 430 rupees?—There was a half per cent. set apart to accumulate, to pay for a share in the Journal, which was at the end of the year to be transferred as my property; but as the Journal ceased before the end of the year, I of course never

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received that half per cent.; I only received three per cent., and I do not think that that three per cent. amounted to 400 rupees.

217. Do you know if any shares were sold after Mr. Buckingham's removal, and if so, were they sold at a premium or at a discount?—I was not in that department of the paper which would give me an opportunity of seeing the pecuniary business transacted in any way.

James Charles Colebrook Sutherland, Esq., again called in; and Examined.

J. C. C. Sutherland,
Esq.

218. (*By Mr. Buckingham.*) YOU stated yesterday your knowledge of the value of the paper at a particular period, and the actual sale of shares at certain rates; do you happen to know whether any shares were sold after my removal?—It is matter of presumption, that Mr. Turton must have bought his share immediately after his arrival. You were in Calcutta then, but the order for your transmission must have been passed.

219. Do you recollect that when I left India I left a considerable balance in the hands of the house of Alexander & Co., and a sufficient sum of money to carry on the concern?—I do so.

220. Do you remember, that some time after I left India the paper was entirely suppressed by the withdrawal of the licence?—It was in November 1823.

221. Do you recollect any efforts made to recover, if possible, the loss occasioned to the property by an attempt to get the government to renew the licence?—Mr. Ballard, of our house, was in communication with Mr. Bayley, the chief secretary, and he made exertions to endeavour to procure its restoration.

222. How do you know that fact?—From Mr. Ballard.

223. Do you recollect that the establishment of the Calcutta Journal office was kept up under the hope and the understood promise, that government would renew the licence?—I understood the establishment was kept together pending the efforts to effect its revival.

224. Do you think that the good-will or copyright of that paper was depreciated in value by the delay occasioned by that negotiation with government?—Of course it must have been when the paper was altogether suppressed, and the subscribers to the paper in different parts of the country were receiving other cheaper papers.

225. You stated, that the shares in the paper were selling at the original price when I left India?—I mentioned before, that when you left India 1,000 rupees were paid for a share.

226. You stated, that I left a balance of money in the hands of Alexander & Co., in order to conduct the paper?—Yes.

227. Was the total result of the whole concern attended with a complete and entire loss of all the property?—It closed with a very considerable loss.

228. It not only closed with a loss of all the property that I left behind, both in the Journal and in money in the hands of your house to carry on the Journal, but is it not also true, that considerable debts are incurred, so that your house, if it were to press its claims, might call upon me and upon the other proprietors for that money?—Certainly, we consider you indebted to us and the other proprietors. [*An account was handed to the Witness.*]

229. What appears to be the balance due to me upon that account?—On the first of May 1822, there are 30,000 rupees to your credit. Here is an open statement of the account; it begins with the 15th of February 1823; at that time you owed us 2,500 rupees, and then, subsequent to that, we received on your account 93,000 rupees.

230. Up to what date?—Up to the 28th of February.

231. What was the balance left in the house of Alexander & Co. for the purpose of carrying on this paper?—We were making some disbursements at the same time; at the end of February 1823 Mr. Buckingham left in our hands about 27,000 rupees. [*An Account was handed to the Witness.*]

232. That is an account rendered, bringing the balance up to 1825, is it not?—Here is an open statement up to the 1st of May 1825; there is a balance of 27,000 rupees against Mr. Buckingham on the 1st of May 1825, on his private account.

233. What was the produce of sales of the types and printing establishment belonging to the paper?—Here is an account from our books, entitled “Proprietors of the Calcutta Journal,” and in this account I observe entered, “Received the 13th of November 1824, 18,200 rupees, the sale produce of sundry effects sold at auction.” I conclude it was types and tables, and things of that sort.

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234. (*By the Committee.*) Will you state whether, after giving credit for all those receipts, Mr. Buckingham was brought in debtor on his private account for the 27,000 rupees you have stated?—This account is not yet closed of the proprietors; when it does close it will close probably with a balance at credit, but that balance will not pay the debt incurred in the management of the Scotsman newspaper, which succeeded the Calcutta Journal, and in which the proprietors were interested; the Scotsman was the successor of the Journal, and whatever balance there is to the credit of the Calcutta Journal will go to pay the debt on that account; but I wish to add, that I believe there may be some claim for supplies sent out by Mr. Richardson, which perhaps may more than absorb what may be the balance.

235. Are the Committee to understand that that balance of 27,000 rupees, which you have stated to be to the debit of Mr. Buckingham's private account, is a debt incurred in supporting the paper, over and above all the money expended in the general account?—Yes.

236. Were there any payments made out of that 27,000 rupees, except for the Calcutta Journal?—This is the balance of the accounts; the whole accounts are before the Committee, the various items appear one by one. Mr. Buckingham's private account is debited with sums of money which we have paid on account of the credit of goods consigned on account of the proprietors of the Calcutta Journal; Mr. Buckingham caused us to lodge a credit in London for the purchase of goods, which were expended for the proprietors, and Mr. Buckingham having caused that credit, we debited his private account which had funds.

237. That is to say, all the materials for which you charge Mr. Buckingham were applied for that establishment?—Mr. Buckingham settled with the proprietors of the Calcutta Journal; but we looked to him.

238. Mr. Buckingham's private account is debited with all the losses of the Journal?—To a considerable extent, in particular for materials. Before Mr. Buckingham sold the shares he lodged a credit in our house with Mr. Richardson; Mr. Richardson kept feeding the concern with costly articles; and we charged Mr. Buckingham, who had caused the credit to be lodged.

239. Does that comprise an account of the whole of the property sold on account of the Calcutta Journal?—When I left Calcutta there was still some part of the library unsold.

240. Were the buildings sold?—They were unsold when I left Calcutta. I think the building is over-valued at 2,000 rupees; that would go to pay our claim upon the proprietors.

241. That shows that that account is better so far?—*Pro tanto* it is.

242. The Scotsman is in existence, is not it?—No; Mr. Muston, I believe, sold the good-will of the paper.

243. Were there no buildings or types?—There were no buildings.

244. Did the Scotsman die a natural death?—It was dying a natural death, and they saved its life by selling it.

245. Did the balance of 27,000 rupees, on the private account, increase or diminish from February to November 1823, when the licence was discontinued?—I have not before me the sequel of the account; but on the 1st of May 1825 Mr. Buckingham, instead of having 27,000 rupees to his credit, owed us 27,000 rupees.

246. It was continued for 11 months; and the Committee wish to see whether the profits continued the same during that time?—It would not have gone to the private account. Mr. Buckingham owes us money, because he had previously lodged a credit in London upon his own account for the use of the Journal.

247. The suppression of the Journal took place in November 1823?—Yes.

248. When was the final sale of the materials belonging to the newspaper?—In November 1824, at the end of one year. I should explain, that when the Government would not allow any paper to be re-established in which the proprietors of the old Calcutta Journal had an interest, they made an arrangement with Mr. Muston that he was to hire the types of the Calcutta Journal property, and

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 19 May 1826. publish his own paper, we, the proprietors of the Calcutta Journal, guaranteeing him against loss, and guaranteeing him a certain salary as editor. The result of the arrangement was a loss, which fell upon the proprietors.

249. Were the types used during any part of that period?—They were used by Mr. Muston during all that time for the Scotsman; and the stock in trade, for instance, the paper was worked up in the shape of the Scotsman, and the library was used.

250. Was not the general result this, that the 27,000 rupees of credit became 27,000 rupees of debit, and also that the whole of the property of the Calcutta Journal was absorbed?—Certainly, there is a debit against the proprietors at this moment.

251. As far as you were acquainted with the pecuniary concerns of Mr. Buckingham, do you not understand and believe that his transmission from India, and the subsequent suppression of the Calcutta Journal, have been the causes of his total ruin?—I do.

William Henry Trant, Esq. a Member of the Committee; Examined.

Wm. Henry Trant, Esq. M. P.
 252. (By Mr. Buckingham.) HAVE you any recollection of the contract entered into between the Post-office and myself respecting the transmission of my paper free?—With the Government I have. As president of the committee appointed for the purpose of revising the system of the post-office, communication was made to me of a contract entered into between Mr. Buckingham and the Government for the transmission of his paper free of postage.

253. That application on my part was answered in the affirmative?—It was.

254. Do you happen to remember how many thousand rupees per month were paid for the postage of the Calcutta Journal?—The sum, as far I recollect, was about from 3,200 to 3,500 rupees a month, it was upwards of 3,000 rupees a month.

255. That sum being multiplied by 12, will give between 40,000 and 50,000 rupees per annum?—I should say it would not give more than 40,000, rather under 40,000.

256. What amount sterling do you suppose that would be at the exchange of the day?—At that time I remitted my money at about 2s. 6d. a rupee; I should state it to have been a little under 5,000 l. per annum, at the exchange of that day.

257. (By the Committee.) Do you recollect whether that contract with Mr. Buckingham engaged to pass the newspapers free to Madras, to Bombay, and all the presidencies?—I recollect a question being raised on that subject, in consequence of the government of Madras having refused to pass the paper free within their territories; I cannot undertake positively to say what the determination of the Supreme Government was, but I rather think it was in favour of its passing free under that contract throughout India.

258. Can you state whether up to a certain time, when the government of Madras interfered with the carriage of the paper, the paper was carried free to Madras as well as to other parts of the country?—No doubt it was, till the question was raised.

SELECT COMMITTEE ON CALCUTTA JOURNAL.

Martis, 23^o die Maï, 1826.

LORD JOHN RUSSELL, IN THE CHAIR.

Mr. James Silk Buckingham, called in; and further Examined.

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259. ON the day on which you published those observations respecting the appointment of Dr. Bryce, were you aware of the existence of the regulations of the 28th of August 1818?—I was.

260. Do you conceive that those observations upon the private character of Dr. Bryce did or did not contravene the fourth of those regulations?—I certainly did not think they did contravene those regulations.

261. Then you conceive that the paragraph for which you were transmitted from India neither contained private scandal nor personal remark on an individual?—Private scandal I certainly consider they did not; personal remark is a matter that admits of wide latitude of interpretation; perhaps the mere mention of an individual's name may be considered personal remark.

262. Do you consider that the laughing at that gentleman, which was your own expression, was not such personal remark as to tend to excite dissension in society?—By no means.

263. Did you not think that by those remarks you were animadverting upon an act of the Supreme Government?—I did think so.

264. Are not such animadversions prohibited by the regulations?—Not such animadversions as those. I take it that the observation on Dr. Bryce does not come within either of the prohibited subjects.

265. In publishing that article respecting the appointment of Dr. Bryce, did you not consider that you were doing a public benefit to the community by animadverting upon what you considered an improper appointment?—I considered I was doing great service to the Government, as well as to the community, by showing them an impropriety which might perhaps have escaped their observation.

266. What reason had you to consider that it would be agreeable to the Government?—I did not consider that it would be agreeable to the Government to have the appointment animadverted upon; but I thought Government might, upon reflection, disapprove of that appointment, and then an act of justice would be done.

267. Your object was as an admonition to Government to consider what had been done?—Yes.

268. A reprimand rather?—It may be so termed.

269. Were you in a situation to give the Government a reprimand?—The meaning of such a term depends much upon the interpretation which different individuals might give it; I should not by any means call it a reprimand.

270. Did you take the advice of any person or persons previous to publishing that article?—Not at all.

271. Did you know the sentiments of any persons previous to publishing this upon the appointment of Dr. Bryce?—A great many.

272. Were they hostile to that appointment?—Quite so.

273. Were they very numerous?—Very numerous indeed; I did not meet with one individual out of 400 or 500 of my acquaintance that was not of that opinion; I never met with one individual that defended it.

274. Were they gentlemen in official capacities that you conversed with?—Several of them gentlemen in official capacities, both civil and military.

275. And they all uniformly disapproved of the appointment?—Without a single exception.

276. Was Dr. Bryce, of your knowledge, the editor of any journal published at the time your journal was published?—In the early part of the publication of the Calcutta Journal he was editor of a journal called the Asiatic Mirror, which was discontinued,

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discontinued, and he came to England. On his return, after an absence of about three years, he became the editor of a publication called the Oriental Magazine, published monthly I think, of which he was the editor at the time those remarks were made.

277. Had any controversy existed between you as the editor of the Calcutta Journal, and Dr. Bryce, the editor of the publication which he issued, the Asiatic Mirror?—Yes, a controversy had existed.

278. Then, in short, you had a quarrel with Dr. Bryce?—I should conceive that controversies might be carried on without a quarrel.

279. Had you or had you not had a quarrel?—I had no quarrel; I never knew Dr. Bryce personally, and I never spoke to him myself.

280. There was an editorial rivalry?—There was a difference of opinion.

281. Did not that difference of opinion occasion some bitterness of expression between you in your respective papers?—Perhaps so; that was in a very early part of the publication of the Journal in 1818.

282. His paper was considered a Government paper, and yours an opposition paper?—His was an opposition paper, and mine was in praise of the Government. On my arrival in India, Lord Hastings was understood to be the avowed friend of freedom of discussion. There was another section in the administration, which was understood to be hostile to that freedom: it was therefore really resembling the supposed division in the Cabinet at present, where one party are more liberal than another, and where one may praise one portion of the Administration and censure another; but the sentiments of my paper were uniformly in praise of Lord Hastings's share in the administration, notwithstanding the opposition which he afterwards showed to the liberty of the press, which he first professed. It was therefore not an opposition paper by any means.

283. In those discussions with Dr. Bryce, was there anything like private slander on his part towards you?—Yes, there was; I can detail an instance, if the Committee desire it.

284. Did you leave any instructions for those who conducted your paper after you left India?—I did very ample instructions.

285. Have you those instructions with you?—I have a copy here. [*The Witness produced the same.*]

286. Is there any part of them to which you wish to call the attention of the Committee?—There is; the pamphlet is headed, "Rules for the Office of the Journal: Memorandum of what I desire to be attended to principally in my absence." I beg to state that this paper of regulations was drawn up within three days after I received the order of the Government to quit, when it might be supposed therefore that there was a considerable cause of irritation. The last paragraph of those instructions states, "As I began with the strongest recommendation to unanimity, so I would end with a repetition of my earnest desire that this be preserved unbroken, even at the greatest sacrifices of individual feeling, to promote the general harmony and common comfort of all. It will materially contribute to this, if each of the two gentlemen more especially engaged in the management of the paper be vested with the power of correcting any portion of the communications sent for the press, whether written within the office or coming from without, as by this means every security will be made against anything objectionable escaping either from the one or the other. Though Mr. Sandys, as editor, will have the task and responsibility of exercising his censorship on all that is to be published, I desire also that Mr. Arnot and Mr. Sutherland shall equally exercise the right of wholly rejecting, or partially correcting, softening and amending, anything intended for publication, so that nothing may appear which has not the concurring consent of all the parties named. Neither of them will have the right to add a word to what is written by the other without the writer's consent, but each must have the right of striking out any portion of what is written by the other, whenever he may think it objectionable in any point of view. I have myself always submitted to this friendly revision of others; because I am aware that the writer of any article is seldom so good a judge of the danger or impropriety of any particular opinion or expression which escapes him in the ardour of composition, as a second or third person who exercises his cool judgment on it after it is written. I shall by this means be satisfied that nothing of undue warmth or unseasonable irritation appear; and as the great mass of the supporters of the Journal are men of high minds and noble principles, as well as persons of weight and rank in the community, I shall thus be as well assured as I could desire that nothing calculated to inflict an unnecessary

cessary pain on any class will be permitted to be published. The firm tone and independent spirit of the Journal may of course be maintained by all; but to prevent anything escaping that may be likely to do injury rather than good, I particularly desire that this power of censorship be permitted to be equally exercised by Mr. Sandys, Mr. Arnot, and Mr. Sutherland,* and that nothing be published which is not sanctioned and approved by each of them. I have nothing further to add, but my earnest hope that concord and unanimity will prevail among all parties; that the Journal may flourish under its present management, even more than under mine, and that it may continue to be the source of private benefit to all concerned in its preparation, and of public good to the Indian Government and the people over whom its rule is extended."

287. Did you not, in leaving those instructions, consider that the property you left in that paper would be safe and secure under the laws then existing?—Unquestionably I did; there was then no law existing which could affect the property.

288. To whom were the instructions addressed?—The instructions were principally addressed to the three gentlemen named in them, Mr. Arnot, Mr. Sandys and Mr. Sutherland, the three gentlemen who conducted the affairs of my office generally. A number of copies were printed, and a copy of them was sent to every proprietor of the Journal. It became also a subject of discussion in the paper, and was generally known throughout the community of India; but a copy of those instructions was lodged with Mr. Palmer and Mr. Ballard, who are proprietors of the Journal.

289. You mentioned Mr. Sutherland; who is he?—That is **not** Mr. Sutherland who is here, but Mr. James Sutherland, who is now in India; and he was employed on the paper.

290. Was he a relation of the Mr. Sutherland who has been examined as a witness?—Not at all.

291. Was he one of your reporters?—He acted as a corrector of the press principally, and occasionally went to the Supreme Court to report.

292. What was the date of your departure from India?—I left India actually on the 1st of March 1823.

293. And what was the date of your arrival in England?—I arrived in England in June in the same year.

294. What was the date of the ultimate suppression of your paper?—In November of that same year.

295. What was the income you expected to derive in England from the paper, supposing it to be conducted according to the instructions you had left?—About 4,000 £. per annum.

296. Was that your own share, or the profits of the paper at large?—I conceive that the whole profits of the paper would amount to that.

297. How much would your share have been?—Three-fourths of the whole.

298. Since the suppression of that paper in the November following, have you ever derived any income from that paper?—Not the smallest.

299. Did you never give any other instructions than those you have now put in?—I never gave any other instructions, and I can produce a witness, Mr. Arnot, who received those instructions, who will speak to the sincerity with which he believed them to have been given.

300. Did you ever communicate any article to be published, or was any article you communicated published in the paper from the date of your quitting India till the suppression of the paper?—Yes, I wrote, on my voyage from Calcutta to the Cape, perhaps half a dozen letters upon literary subjects, and certain notes of the voyages and travels I had intended to publish here, but nothing of a political kind.

301. Did those articles appear in the paper?—Yes.

302. Did anything appear respecting your own case?—No.

303. When you admitted certain gentlemen to hold shares in the paper, did you make any difference in the conduct of the paper?—I became much more cautious from that moment, so much so that I was taunted by my rivals, and was supposed to have deserted my original principles.

304. Do you mean to say, that for the nine months previous to your leaving India, from the period when a fourth of that paper was sold, that you exercised much greater caution in every thing that appeared than you had done before?—A much greater degree; the circumstances are called to my recollection very

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forcibly by the parties writing in an opposition paper, having quoted Shakspeare, to say, "High-reaching Buckingham grows circumspect," in allusion to my conduct.

305. Did you leave any other property in India besides the three-fourths of your paper, and the sum of 27,000 rupees, which you left to carry on the paper?—I did; I left a share in the Calcutta theatre, and a share in a steam-boat, and a deposit of 1,000 rupees in either the Supreme Court or in the Secretary's Office, for the return of a servant, and a debt due to me by Mr. Chinnery, and other bills and engagements; but I beg to state, that it was after credit given to me for the realization of all those that this dreadful balance is against me nevertheless.

306. Did you, on leaving India, depend solely upon that which you had left for your maintenance and support in India?—I did.

307. What steps did you take on your return to England to obtain permission to return to India?—I made several successive applications to the Court of Directors; and on the rejection of them, an application was forwarded to the Board of Control, and has been repeated three or four several times, and uniformly rejected.

308. Was any reason assigned for the rejection?—No reason whatever assigned.

309. What do you mean by the statement in your petition, that you were banished for a pretended disregard of a regulation before it had the force or sanction of law?—I beg to state that the regulation of August 1818 never was passed into a law, neither before nor after I left India; and I beg to state that it was for a pretended disregard of this regulation, which never had been made law, that I was sent away for; I have always contended, and do so still, that it was not a disregard or a breach of that regulation to comment upon the appointment of Dr. Bryce.

310. Do you mean to say that the proceeding against you was not legal?—Certainly it was legal, because it was under an Act of Parliament; it had nothing to do with the regulation. My removal from India was under the power given by Act of Parliament to take away the licence when any person shall do anything that is objectionable; but the pretence under which I was removed was for having published a certain thing referred to in the secretary's letter by a certain page. I beg to say again, that that thing published in that certain page was, in my estimation, not a breach of the regulations which it was said to be in disregard of.

311. When you say that you were banished for a breach of a regulation before it had the sanction of law, do you mean that this regulation afterwards acquired the sanction of law?—I mean that that regulation, with some additions and modifications, was made the law.

312. And that you were banished under it when it had not the sanction of law?—Yes.

313. Then why did you not apply to a court of justice?—A court of justice could grant me no protection. No court of justice could grant protection to an individual who is removed from India, though he may be removed for a pretended breach of that which is not law, because the power of removal is absolute.

314. When the power of licensing was vested in the Government by law, they issued instructions, did they not, conformable to the previous regulations?—Yes.

315. Then it is in that sense that you say you were sent away for a pretended violation of those rules before they received the sanction of law?—Yes.

316. But you do not mean to deny that the proceeding against you was legal?—Certainly not.

317. Were those regulations or instructions issued by the Marquis of Hastings after the censorship was removed, considered by you legal without their being registered in the Supreme Court?—I never considered them to be legal; I always contended that they were illegal.

[The following document was delivered in and read:]

EXTRACT from a Letter in Public Department, from the Court of Directors of the East India Company to the Governor-general in Council of Bengal, dated 5th November 1823.

Para. 5th "In your letters of the 15th and 28th of February the appointment of Dr. Bryce, senior minister of the Scotch church at your presidency, to the office of clerk to the committee of stationery has been brought to our notice. The reasons given for this appointment in the Governor-general's minute of the 27th of February are by no means satisfactory to our minds. We regard it as objectionable on general principles, that a clergyman should hold a civil office under the Government; and we see nothing in the case of Dr. Bryce to warrant an exception in his favour. We accordingly direct, that on the receipt of this despatch the appointment be immediately revoked."

Mr. Sandford Arnot, called in; and further Examined.

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318. (By Mr. Buckingham.) WERE you in Calcutta at the time the licence for the Calcutta Journal was suspended?—Yes.

319. Do you know for what it was suspended?—It was suspended on account of the re-publication of successive portions of a pamphlet respecting the Indian press, by Colonel Stanhope, with some comments upon that pamphlet.

320. Is that a copy of the pamphlet, for the successive re-publication of which the Journal was suspended [*a pamphlet being handed to the Witness*]?—Yes, I believe this was the same pamphlet; it was for sale at Mr. Thacker's, at Calcutta, before it was republished.

321. What is the title of the pamphlet?—"A Sketch of the History and Influence of the Press in British India; containing Remarks on the effects of a Free Press, on Subsidiary Alliances, on the delays of Office, on Superstition, on the Administration of Justice, on Flogging, and on Agriculture; also on the Dangers of a Free Press, and the Licentiousness of a Censorship. By Leicester Stanhope."

[*A paper was handed to the Witness.*]

322. Do you recollect that letter?—I recollect this circular being issued.

323. And the letter of Government appended to it?—Yes.

324. What is the date of the letter?—A letter dated Council Chamber, 6th of November 1823, and addressed to Messrs. John Francis Sandys, John Palmer, George Ballard and Peter Stone De Rozario.

325. Who is Mr. John Francis Sandys?—He was the editor of the Calcutta Journal.

326. Who was Mr. John Palmer?—A member of the house of Palmer & Co.

327. Was he one of the proprietors of the Calcutta Journal?—I believe he held shares in it.

328. Who was Mr. George Ballard?—One of the partners in the house of Alexander & Co.

329. Who was Mr. De Rozario?—He was the printer of the Calcutta Journal.

330. Will you read the letter?—"Gentlemen, you were apprised by my official letters of the 18th of July and 3d of September last, of the sentiments entertained by the Governor-general in Council in regard to the repeated violation, on the part of the conductors of the Calcutta Journal, of the rules established by Government for the regulation of the periodical press. The editor of the Calcutta Journal, notwithstanding those communications, has since, by the re-publication in successive numbers of that newspaper of numerous extracts from a pamphlet published in England, revived the discussion of topics which had before been officially prohibited, and has maintained and enforced opinions and principles which, as applicable to the state of this country, the Governor-general in Council had repeatedly discouraged, and reprobated the extracts themselves so published, containing numerous passages which are in direct violation of the rules prescribed by Government, under date the 5th of April last. The Right honourable the Governor-general in Council has in consequence this day been pleased to resolve, that the licence granted by Government on the 18th day of April 1823, authorizing and empowering John Francis Sandys and Peter Stone De Rozario to print and publish, in Calcutta, a newspaper called "The Calcutta Journal of Politics and General Literature," and supplement thereto, issued on Sundays, entitled and called "New Weekly Register and General Advertiser for the Stations of the Interior, with Heads of the latest Intelligence, published as a Supplement to the Country Edition of the Calcutta Journal," shall be revoked and recalled; and you are hereby apprised and respectively required to take notice that the said licence is resumed, revoked and recalled accordingly. I am, gentlemen, your obedient humble servant, (signed) W. B. Bayley, Chief Secretary to Government."

331. (By the Committee.) What did that refer to?—That referred to some paragraphs censured by Government.

332. Was that before the licence was granted?—No, afterwards.

333. What was the date of the licence?—April 1823.

334. And the letters referred to were in July and September?—Yes, the second letter was the order of Government for my removal from Bengal on the 30th of September.

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335. (*By Mr. Buckingham.*) About how long a period before the suppression of the licence of the Journal was the series of extracts from Colonel Stanhope's pamphlet begun?—It was several weeks, at least the pamphlet was several weeks in the progress of publication in successive parts, to the best of my recollection.

336. Is it not true* that the whole of the pamphlet so published in successive parts was concluded before the licence was taken away on that ground?—So I was informed.

337. Do you not see the date of the letter?—Yes; from all I have read, and from reading the paper at the time, and from conversing with Mr. Sutherland, one of the conductors, I understood that all was published that was intended to be published. I am not sure that every part of the pamphlet was published, but they had concluded all that they intended to publish.

338. And that was some time before the licence was taken away on that ground?—Yes, some time previous to that, and not through any fear of that consequence, as far as I have ever heard, they did not discontinue it, through the impression that if they did not do so the licence would be withdrawn.

339. Do you not know, in point of fact, that the Calcutta Journal had ceased to publish extracts from Colonel Stanhope's pamphlet before the Calcutta Journal ceased altogether?—Yes, that is the impression on my mind. I know it as well as any fact that I do know respecting the public press.

340. Do you know it of your own knowledge?—I believe it is stated in the paper itself, that we had concluded our extracts from Colonel Stanhope's pamphlet.

341. What is the date of that paper before you [*a paper being handed to the Witness*]?—This is the Calcutta Journal of the 29th of October 1823.

342. Is not there an article there upon Colonel Stanhope's pamphlet?—Yes.

343. Will you read the paragraph marked in pencil?—“We have already assured our readers that there is nothing like personality in the whole of Colonel Stanhope's pamphlet, and as we shall conclude it to-morrow, they will soon be enabled to judge whether we are justified in so speaking of it or not.”

344. That is on the day previous to the re-publication of the last portion of Colonel Stanhope's pamphlet?—It is.

345. You recollect, in point of fact, that it was some time after the close of the re-publication of Colonel Stanhope's pamphlet that the licence was taken away?—Yes; all these facts I only know by being informed by Mr. Sutherland, one of the persons who was assisting in conducting it.

346. You were resident in Calcutta at the time?—Yes.

347. Were you reading the paper at the time?—I was, and I heard those facts, not that I had any personal agency in the transactions.

348. Do you know that any efforts were made, after the licence was taken away, by the shareholders to obtain a renewal of it?—I know that Messrs. Alexander and Company, and I think Mr. Palmer, made application to Government for the renewal of the licence under a new editor.

349. Was a new licence, in point of fact, granted immediately on that application?—Some weeks after, I think, about the end of that month, November, the Government gave its consent.

350. Are you speaking from your own knowledge?—From seeing the individuals who were engaged in it at the time, from personal communication with Mr. Sutherland, and seeing Mr. Ballard, and corresponding with him occasionally.

351. At the time?—Yes.

352. You state that some weeks afterwards Government had promised to grant a licence for the revival of it?—Yes.

353. (*By the Committee.*) Do you mean to say that Government had promised it?—I understood and was informed by Mr. Sutherland; I did not see Mr. Ballard myself.

354. (*By Mr. Buckingham.*) In point of fact, do you not remember that some weeks after the licence was suspended, a notice was issued from the printing-office of the Calcutta Journal, announcing to its subscribers and readers that it was about to be revived by the permission of Government?—Yes, I remember reading that notice.

355. Will you have the goodness to look at that [*a number of the Calcutta Journal being handed to the Witness*]; do you remember seeing the notice contained in that paper?—Yes, I do.

356. Will you have the goodness to read it?—It is headed, “Revival of the Journal.”

Mr.
Sandford Arnot.
23 May 1826.

Journal. Notice to Subscribers. The subscribers to the Calcutta Journal and the public are respectfully informed, that a daily paper will be again issued from the Columbian Press, on Monday the 1st of December, under the original designation. On this occasion it is merely necessary to state, that the management of the paper has been transferred into the hands of a gentleman calculated in every respect to support its character, and under such circumstances the formality of a prospectus is deemed superfluous. Those to whom the late paper was acceptable, will find, it is hoped, in that now offered, a substitute not less entitled to their patronage; but it must not be concealed that the late enactments, being from their nature probably somewhat indefinite, have by their influence thrown a melancholy check on the spirit of inquiry and discussion, which seemed to promise much ultimate benefit to the country and its Government. It is not asserted that the law was intended to prohibit all inquiry and discussion, its avowed object was merely to limit it; but its effect was to intimidate many from writing at all, and to cripple the effusions of those who still ventured to indulge in the expression of sentiments at all at variance with the existing state of things. The immediate object, however, of alluding to the measure above noticed, is to account for a determination to reduce the size of the paper from four to three sheets, and proportionately in price from 16 to 12 rupees per mensem. An edition on China paper for the dawk will be printed at 10 rupees per month, and engravings will be occasionally issued, as subjects of interest may offer, without any extra charge; the rate of subscription being determinately fixed at the sums already stated, of 12 rupees per month for the edition on English, and at 10 rupees for that on China paper. The proprietors of the Hurkaru having been requested, on the suppression of the Journal, to send that paper to its subscribers, that they might not be disappointed of a daily supply of intelligence, have now been desired to discontinue sending it from this date to any of those to whom it was sent in consequence of the above-mentioned request. The proprietors of the Calcutta Journal will pay to the Hurkaru Concan the value of all the papers thus supplied to their subscribers during the suspension of the Journal, at the ordinary rate at which the Hurkaru newspaper is sold. The proprietors of the Journal will consequently have to charge to their several subscribers the value of the paper thus temporarily substituted for their own. Such of the subscribers, however, as have forbidden that paper to be sent to them being of course exempted from any charge for the same. The subscribers to the Journal will, therefore, not be troubled with any bills whatever from the Hurkaru Concan, owing to the arrangement above alluded to."

357. Was that notice in point of fact circulated?—Yes, it was circulated.

358. What was the date of it?—It was on a Saturday; I am almost certain that the date of it was the 29th of November 1823.

359. (*By the Committee.*) Do you know that it was circulated with the concurrence of Dr. Muston?—I do not think he knew any thing of it, it was considered as an advertisement with which he had no concern.

360. Do you know who wrote that advertisement?—Yes.

361. Who was it?—It was written by Mr. George Ballard.

362. With or without the concurrence of Dr. Muston, the editor?—This not being a part of the Journal, but an advertisement by the proprietors, I understood that Dr. Muston was not all concerned in it; I know that Dr. Muston has said so.

363. Has he said so to you?—I heard him say so.

364. He said that he did not concur in it?—That he did not know of it.

365. (*By Mr. Buckingham.*) Did the Journal appear according to that advertisement or not; did it appear on the 1st of December as it was advertised?—It did not appear.

366. Do you know anything of the cause of its non-appearance?—Yes, there was a public letter from Mr. Bayley, as chief secretary, forbidding its appearance, without stating a reason, but simply forbidding the appearance of the paper.

367. Do you mean forbidding the appearance of this hand-bill?—The appearance of the paper, which was to appear the next day.

368. (*By the Committee.*) Why did it not appear?—In consequence of this intimation of the chief secretary.

369. The letter was warning you that you had no licence?—It was warning the persons that were engaged in conducting it. I was in the house of Mr. Sutherland at the time, on Sunday evening, about 11 o'clock perhaps, when that letter was sent to him from the office by the printer, to whom it had been addressed; he in

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consequence showed it to me, and I asked him the reason that he circulated this notice without authority; he said because a promise had been given by the chief secretary that it might be circulated.

370. Had preparations been made to publish the newspaper the following day?
—Yes, preparations had been made.

371. And you were with the editor at the time?—No, I did not see the editor, I happened to be in the house of Mr. Sutherland, who was in fact the sub-editor, and the notice was sent to him by the printer, because he insisted on printing and circulating this hand-bill.

372. What was the date of it?—It was dated the same day that it was received, the Sunday.

[A copy of the following letter was delivered in and read.]

To Mr. S. De Rozario.

Sir,

No. 4, Bankshall-street.

HAVING just seen a paper, purporting to be printed by you at the Columbian Press, headed, "Revival of the Calcutta Journal," in which the subscribers to the Calcutta Journal, and the public in general, are apprised that a daily paper will be again issued from the Columbian Press, on Monday the 1st of December, under the original designation, I think it necessary to state to you for your notice, and that of others concerned, that no licence has been granted by Government for the publication of such a periodical paper, and to warn you of the illegality of any such proceeding.

I am, &c.

(signed) *W. B. Bayley,*
Chief Secretary to the Government.

Sunday evening, 30 Nov. 1823.

373. (*By Mr. Buckingham.*) On receipt of that letter was not the intention of reviving the Calcutta Journal under the original name abandoned?—We did not issue the paper, in compliance with the intimation, and countermanded all the orders for its distribution; it remained undistributed.

374. (*By the Committee.*) Was the establishment belonging to the paper kept up all this time?—Yes, I understand it was kept up.

375. (*By Mr. Buckingham.*) Do you know that anybody was retained on salary during that time?—I know that Mr. De Rozario the printer was there. As to the various other printers, 30 or 40 in number, I dare say they were not kept in attendance though they were kept in pay.

[The following letter was delivered in and read.]

To W. P. Muston, Esq.

Sir,

You have been already apprised that the Right honourable the Governor-general in Council had judged it proper to refrain from complying with the application contained in your letter of the 28th ultimo, until he should be informed by the Medical Board whether, in their judgment, the business of editing a newspaper would interfere with the due discharge by you of the medical duties devolving upon you in the official situation to which you have been recently appointed by Government.

2d. A reply to that reference, dated the 1st instant, has been since received from the Medical Board, in which the Board observe, that the business of editing a newspaper would not, in their opinion, interfere with the due discharge of your medical duties.

3d. With the information before him, and under the assurances contained in your letter of the 28th ultimo, the Governor-general in Council would have been disposed to comply with your application, and to have granted a licence for the publication of a daily paper, to be called the Calcutta Journal, if circumstances had not in the interim come to his knowledge which have entirely altered the view originally taken by Government of the propriety of that measure.

4th. On Sunday last, the 30th of November, a paper printed by M. De Rozario, at the Columbian Press, entitled the "Revival of the Journal. Notice to the Subscribers," was circulated in Calcutta and its vicinity, apprising the public and the subscribers to the Calcutta Journal, that a daily paper would again be issued from the Columbian Press, on Monday the 1st of December, under the original designation.

5th. You are aware not only that no licence had been granted by Government for the publication of such a paper, but that the reply of the Medical Board, on which the question whether the licence should or should not be granted mainly depended, had not then been communicated to Government.

6th. Under

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6th. Under these circumstances, the notice to the public, that the Calcutta Journal was to be published on the ensuing day, was highly objectionable, and the execution of the intention therein notified would have subjected the parties concerned to the penalties attached to persons publishing periodical papers without licence.

7th. It is not, however, on this ground merely, that the Governor-general in Council has deemed it proper to refuse the licence applied for in your letter of the 28th ultimo; this resolution is founded chiefly on the tenor of the notice in question, and particularly on the following extract from it:

"But it must not be concealed, that the late enactments, being from their nature probably somewhat indefinite, have by their influence thrown a melancholy check on the spirit of inquiry and discussion which seemed to promise much ultimate benefit to the country and its Government. It is not asserted that the law was intended to prohibit all inquiry and discussion, its avowed object was merely to limit it, but its effect was to intimidate many from writing at all, and to cripple the effusions of those who still ventured to indulge in the expression of sentiments at all at variance with the existing state of things."

8th. It is scarcely necessary to observe, that the publication of these observations, by which the measures adopted by Government in regard to the press are again called in question, and their injurious effect on the country and its Government is again asserted, constitutes a positive repetition of the offence which induced the Government to revoke the former licence of the Calcutta Journal.

9th. The manifestation of such a disposition on the part of those connected with the Calcutta Journal, at the moment when the indulgence of Government was solicited for its re-establishment, when the parties concerned anticipated the acquiescence of Government in their request, and immediately after the receipt of your letter, in which the Government was officially assured that the most scrupulous attention would in future be paid to the letter and spirit of the press regulations, renders it impossible for Government to form any other expectation than that the renewal of the licence of the Calcutta Journal would lead to the recurrence of the same evils and the same objections as that which has so frequently called forth the disapprobation of Government.

10th. His Lordship in Council is perfectly satisfied that you were ignorant of the intended publication of the notice above alluded to, and he entirely acquits you of all blame in the transaction; but in doing this, he is compelled to draw the conclusion, that the interference of others would preclude you from exercising an effectual control as editor of the paper, and would render you unable to maintain in practice those principles which you very properly avowed in your letter, and which the Governor-general in Council considers it indispensably necessary to maintain and enforce. His Lordship in Council has accordingly resolved not to grant the licence applied for in your letter of the 28th ultimo.

11th. In conclusion, his Lordship in Council thinks it proper to observe, that there was no foundation whatever in the intimation contained in public advertisements on Monday morning last, that the re-publication of the Journal was deferred in consequence of a letter from me, by which it appeared that some misconception existed as to the proposed designation of the paper.

I am, &c.

(signed) W. B. Bayley,
Chief Secretary to the Government.

4 December 1823.

376. After this letter had been received, and the intention of reviving the Calcutta Journal, under its original designation, was abandoned, do you know of any negotiations that happened, for the purpose of reviving it under any new name?—Yes; I know that negotiations were renewed.

377. Here are copies of several letters relating to that subject; do you recognize these [*some letters being handed to the Witness*]?—Those are copies of correspondence which took place between Dr. Muston, Mr. Ballard and others, respecting the applications and negotiations for obtaining a licence for publishing a new paper; those are letters that passed between Mr. Ballard, Mr. Bayley and others, respecting the negotiations for re-establishing the paper.

378. In point of fact, did you not bring that identical mass of papers yourself from Calcutta?—Yes, I did.

379. Who gave them to you in Calcutta?—When I was in Calcutta, between June and December 1824, Dr. Muston sent for me to call upon him about some important business, and while I was with him he mentioned that he had seen some statements in the debates at the East India House or in Parliament, in which his name was mentioned; and some allusions had been made which he considered to pass some degree of censure upon his character and conduct in those transactions; and he was very desirous to have his character set right with the world, and particularly in this country; and he therefore requested me, as a favour, that I would convey to Mr. Buckingham copies of certain correspondence, of all the correspondence in his possession, which passed between him and Mr. Ballard and Mr. Bayley, and all others concerned in the negotiation for a new licence. He in

consequence put a copy of that correspondence into my hand, and he sent me also a note, desiring that I should compare them together. I compared them, with Mr. James Sutherland, who was in Mr. Buckingham's employ, together; and having done so agreeably to Dr. Muston's request, I put them into the hands of Mr. Buckingham.

380. (*By the Committee.*) Are those exact copies of the originals which you yourself compared with the originals in Calcutta?—They are.

Mercuri, 24^o die Maii, 1826.

LORD JOHN RUSSELL, IN THE CHAIR.

Mr.
Sandford Arnot.
24 May 1826.

Mr. *Sandford Arnot*, called in; and further Examined.

381. (*By Mr. Buckingham.*) YOU have stated that you were in Calcutta at the time the licence for the publication of the Calcutta Journal was withdrawn or suspended?—Yes.

382. Do you know that any efforts were made by the proprietors to get it revived under its original name?—Yes, I know that such efforts were made.

383. Were not the proprietors desirous of having a licence for the Calcutta Journal under the editorship of Mr. James Sutherland, who was formerly attached to the office?—Yes.

384. (*By the Committee.*) Were you in the office at the time?—I was not in the office at the time.

385. Were you a proprietor?—No. I knew the sentiments of Mr. Ballard and Mr. Palmer, who were the principal proprietors.

386. (*By Mr. Buckingham.*) Was that Mr. Sutherland residing in India under a licence?—Yes.

387. Do you know of any good ground of objection that could be raised on the part of the proprietors or of Government to the granting a licence to Mr. Sutherland to conduct the paper?—I know no objection at all on the part of the proprietors; on the contrary, they were desirous of it.

388. Was there not at length an editor found in the person of Dr. Muston, who was a servant of Government, and who was also acceptable to the proprietors?—Yes, Dr. Muston was ultimately selected by them, I know, under the impression that nobody else but a Government servant would be accepted.

389. Was Dr. Muston related to any of the members of Government at that time?—He was the son-in-law of Mr. Harrington.

390. (*By the Committee.*) Was Mr. Harrington a member of Council at that time?—I do not know that he was precisely at that time, but I think he was soon subsequent.

391. Mr. Muston was, in fact, a Government servant?—Yes.

392. In what capacity was Dr. Muston at that time?—He was a surgeon, but he was in the medical service of the Government.

393. (*By Mr. Buckingham.*) Did not the Government consent to the revival of the Calcutta Journal under Dr. Muston, provided the sanction of the Medical Board could be had to his undertaking it?—Yes.

394. Was it not known to the proprietors that no objection would be raised by the Medical Board; that their consent had been obtained?—It was made known to them, that is to Mr. Ballard, by a verbal communication, that this consent had been obtained.

395. (*By the Committee.*) How do you know that that was made known to Mr. Ballard?—I knew it only from Mr. Ballard himself.

396. Were you present when the communication was made?—No, I was not present; I did not see him till some time afterwards.

397. Do you know the express terms of the communication?—The purport of it was this, that that being the only exception to the granting the licence, and that exception being now removed, the chief secretary gave him to understand that they might proceed publishing immediately, and that the signing of the licence was a mere matter of form.

398. (*By Mr. Buckingham.*) Do you not know that the proprietors themselves, in sending forth the announcement that has been read, acted under the belief that Mr. Bayley had authorized its appearance on a particular day?—I know they acted under that belief.

399. (*By the Committee.*) How do you know that they acted under that belief?

I knew

—I knew it from Mr. Ballard himself, who took the whole management on behalf of the other proprietors.

400. Did he tell you so?—I saw Mr. Ballard frequently afterwards, and I heard it from himself.

James Charles Colebrooke Sutherland, Esq. again called in; and Examined.

*J. C. C. Sutherland,
Esq.*

24 May 1826.

401. (*By Mr. Buckingham.*) YOU were a proprietor of the Journal at the time it was suppressed?—I was.

402. Can you speak as to the existence of an anxiety, on the part of the proprietors, to get the licence renewed?—Certainly, both Mr. Ballard and myself, who were proprietors, and others likewise at Calcutta; we, as your agents, made every exertion to get the licence restored.

403. Were you not also desirous of ascertaining what were the wishes and feelings of the Government upon that subject?—I know Mr. Ballard was in communication with Mr. Bayley on that subject.

404. Do you recollect the issue of a notice for the revival of that Journal?—Perfectly well; the one which gave offence.

405. Do you know that the proprietors, in issuing that notice, acted upon an understanding that it would be consonant with the wishes of Government that the paper should be revived?—When that notice was issued, we had ascertained, that if the Medical Board should decide that there was no objection to allow a medical officer, who practised in Calcutta, to edit a public journal, Dr. Muston in particular, in that case the licence might be restored, and the Journal revived.

406. (*By the Committee.*) How do you mean that you had ascertained that?—Mr. Muston and Mr. Ballard were in communication with Mr. Bayley on the subject.

407. Had you any communication upon the subject?—I had not any personal communication with Mr. Bayley upon the subject, but as a partner in the house of Alexander & Co., which was in communication with Mr. Bayley upon the subject.

408. Were you consulted by Mr. Ballard or Dr. Muston upon the subject at all?—Certainly; sometimes Mr. Ballard and I were together, and sometimes Dr. Muston and I were together, and were talking upon the subject. Mr. Muston was daily in the habit of coming to the office pending this negotiation; Mr. Ballard was in communication with Mr. Bayley.

409. Being a proprietor, do you believe, if any notion had existed of this notice being likely to offend the Government, that it would have been issued?—Certainly not. We had been most anxious to effect a restoration of the licence, to endeavour to restore the value of the property, which had been injured; and it was our interest and our duty, to you in particular, to avoid giving any offence to the Government.

410. (*By the Committee.*) Had you any communication with the Government upon the subject?—Not personally; Mr. Ballard was more intimate with Mr. Bayley than I was. The personal communications with Mr. Bayley, and probably with Mr. Harrington, were through the agency of Mr. Muston and Mr. Ballard.

411. You say that you had ascertained, if a medical gentleman could take the editorship, that the licence would be restored?—Yes.

412. From what had that been ascertained?—Whether it was ascertained by Mr. Ballard or Mr. Muston I cannot say; but we believed it as true. There are many things asserted as facts at the distance of three or four years, without knowing exactly the reasons that induce one to receive them as facts.

413. Did this fact come before you as a proprietor?—As agent of Mr. Buckingham.

414. Will you state from whom you ascertained that fact?—Probably from Mr. Muston; or if not from Mr. Muston, it must have been from Mr. Ballard.

415. Then it is only from a general impression that you know that?—Certainly. Mr. Muston was in the habit of consulting with us on the subject of the revival of the paper.

416. Did you ever read the notice to subscribers before it was published?—I think I did.

417. Did you think the third paragraph was not at all calculated to offend the Government?—It is very evident it was so; but it was not intended to give offence.

418. You saw this notice before it was published?—Yes.

419. Did you, on reading that, think it would offend the Government or no?—When I read it the suggestion was, that possibly it might give offence; but we

J. C. C. Sutherland, Esq. decided that it was mildly expressed, and that the Government would not think it worth their while to take notice of it.

24 May 1826.

420. Who were the gentlemen that met together and who came to that decision?—There was no formal meeting; Mr. Ballard showed it to me; I do not think Mr. Muston was by at the time; I am not aware that Mr. Muston ever saw this notice.

421. Were you and Mr. Ballard the persons who consulted together for the interest of the Journal at that time?—We were in communication upon that and upon other points of business with regard to the affairs of the firm.

422. Was there any other proprietor who consulted with you at that time?—Mr. Palmer occasionally.

423. Was Mr. Palmer a proprietor?—Yes, he was a proprietor.

424. Do you know whether Mr. Palmer saw this notice before it was printed?—I should think he did not, but I am not certain.

425. (*By Mr. Buckingham.*) After this notice had been issued, and the order came from the Government to prevent the appearance of the paper, were not certain negotiations again revived, under the hope of getting a licence granted?—Yes; we endeavoured to put matters in the same position that they were in before the appearance of this notice.

426. Dr. Muston was the person named to the Government as the editor, was he not?—He was already named; he had been named and approved as an unobjectionable editor.

427. (*By the Committee.*) Had he been approved by the Government?—He had been mentioned to Government as the editor, and we were given to understand that the paper would be allowed to revive under his editorship, provided the Medical Board reported officially that there was no objection to his taking the editorship.

428. (*By Mr. Buckingham.*) I am speaking of a period subsequent to that?—We endeavoured afterwards, when the offensive notice had been published, and the letter had been written by Mr. Bayley to the proprietors, to put matters in the same position in which they were before.

429. Do you know that an application was made to revive the Calcutta Journal, under the old name of the Calcutta Journal?—Whether it was under the old name or a new name, an application was made to revive the Journal; and we were given to understand that no paper would be allowed to be published of which the ownership was the same as that of the Calcutta Journal.

430. (*By the Committee.*) Were you present when any application was made for a licence?—No.

431. By whom were you given to understand that no licence would be granted for a paper issued from the Columbian press, while the ownership remained the same?—I am not certain; it was from Mr. Ballard or Mr. Muston.

432. When you say we, do you mean the proprietors of the Journal?—I mean Mr. Ballard and myself; we were both proprietors of the Journal, and we were likewise attorneys of Mr. Buckingham; we acted more in the capacity of his attorneys than as proprietors.

433. (*By Mr. Buckingham.*) After such an intimation had come from the Government, did not the proprietors themselves consent to withdraw the exercise of all control and influence over the conduct of Mr. Muston, and to leave him perfectly independent in the conduct of the paper, with a view to conform to the wishes of Government?—He was to have a lease for one year; a form of a lease was drawn up, and sent to Government, and they declined then to allow him to publish the paper on a lease of the types and materials for one year, because his lease was only temporary.

434. Then, in point of fact, as soon as the proprietors knew that the Government objected to the reviving of the paper, because there was supposed to be a control exercised over Dr. Muston, the proprietors, in order to meet the wishes of the Government, consented that no such control should be exercised?—Mr. Muston was to have a lease of the property for one year, and he was to publish the paper, with the types and all the materials that had been collected, and he was to have the use of the library for one year; and Government objected to it, on the ground I have stated.

435. (*By the Committee.*) Did the lease express that there was to be no control whatever over Dr. Muston?—I do not recollect the terms of the lease.

436. (*By Mr. Buckingham.*) As soon as the proprietors understood that the objection to the renewal of the licence for the Calcutta Journal was the supposed existence of a control and influence likely to be exercised over Mr. Muston, so that

he

he would not be independent in the management of the paper, did not the proprietors instantly agree not to exercise any such control?—It never was intended that he should be under the control of the proprietors; Dr. Muston would not have accepted the paper under those terms; he was to have an uncontrolled free agency in every respect.

J. C. C. Sutherland,
Esq.

24 May 1826.

437. Did Dr. Muston himself apply for a licence to carry on the paper for 12 months under those circumstances?—I understood he applied for a licence.

438. Do you as a proprietor know, that about this period when Dr. Muston applied for a licence for conducting the paper for 12 months, the Government had come to a resolution that so long as I or any of the former proprietors of the Journal had an interest in the property, so long the licence should not be granted: have you any knowledge that that was communicated from any person in authority, either to yourself or to either of your partners, or to any other proprietor?—I have always regarded it as a fact; I have heard it from Mr. Muston and Mr. Ballard.

[*An Extract of a Despatch from the Governor in Council of Bengal, to the Court of Directors of the East India Company, dated the 30th of January 1823, was read.*]

439. (*By Mr. Buckingham.*) Did I, or did the proprietors themselves, exercise or attempt to exercise any such control as is described in that letter, after I quitted India?—You exercised no control after you left India; but Mr. Sandys exercised a control.

440. He was not a proprietor, was he?—He was your co-attorney with us.

441. Under the existing regulations in India, which rendered an editor responsible to Government for his conduct, do you suppose it possible that I, being in England, even if I possessed three-fourths of the paper, could really exercise any control over the management of it?—I do not conceive it possible myself.

442. Notwithstanding your belief that I could exercise no control over the management of it, do you not think that the value of that paper or any other would be considerably injured by the exclusion of myself from it?—If you could exercise no control over the paper, good or bad, I do not see how the value of the paper could be injured by your exclusion from it.

443. Do you not conceive it to be of the highest advantage to a paper in India to have an active manager in England, who could furnish regular supplies of information?—Yes.

444. (*By the Committee.*) Then he would have some control over it?—In the selection of pamphlets and publications, if the receiving parties were bound to publish what he selected.

445. (*By Mr. Buckingham.*) Do you conceive that it would follow as a necessary consequence, that, because certain supplies of intelligence were sent from this country, the editor there would feel himself bound always to publish them?—I should think the editor being to a certain degree responsible, he must exercise his discretion in what he published.

446. (*By the Committee.*) You state that the editor was also co-attorney with you of Mr. Buckingham?—That was when Mr. Buckingham left; he afterwards resigned, and the whole management of the business fell into our hands as Mr. Buckingham's principal attorneys, and possessing both a special and a general power; he left Mr. Sandys co-attorney with us.

447. In whom was the management of the paper vested when Mr. Buckingham went away?—Mr. Sandys; and we likewise had the management of it when he went away.

448. As to selecting the articles to appear in it?—The editor, certainly. We, as his agents, knew nothing of the details of the management of the concern.

449. You do not know whether Mr. Arnot and Mr. Sutherland had any control over the management of it?—I know that they were sub-editors or assistant editors, but I never understood that they had any voice or control in it. Mr. Buckingham gave a copy of the instructions that he left to us; and we were to have something to say as to the selection of the articles, or to protest against anything that might appear improper; but it is such a long period of time ago, that I have not a perfect recollection of it.

450. Do you know who had the conduct of the paper at the time the licence for printing was taken away?—Mr. Sandys up to that moment, as editor.

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451. It was by his authority that the pamphlet of Colonel Stanhope was republished in the Calcutta Journal?—Certainly it must have been so; he was editor then, and had the power to oppose the publication.

452. Mr. Sandys was the son of an Indian mother, was he not?—He was understood to be an Indian.

453. He was not liable to be removed?—No.

454. (*By Mr. Buckingham.*) From what you know and saw of Mr. Sandys' disposition, do you believe that he was sincerely desirous of avoiding offence to the Government in the management of the paper?—I should think so.

455. With respect to those protracted discussions and delays that took place about the renewal of the licence, what effect did they produce upon the value of the paper? Is it not true that, from the period of the suspension of the licence up to the first intended revival of it, and then again from that period till the actual revival under Dr. Muston, almost every day produced a deterioration in the value of what is called the goodwill of the paper?—I should think the delay must have had that effect.

456. Do you recollect any offer being made for the purchase of the goodwill of the paper between the date of November the 9th, when the paper was suppressed, and the issue of the circular notice?—No, I do not recollect any; but I am not certain that there was not some offer made.

457. Was there not also an establishment kept up under the impression that Government would renew the licence?—We were in the expectation and hope that the licence would have been restored, and there was an establishment of printers still paid and kept up.

458. How long was that?—I cannot speak precisely as to the dates. The Journal was stopped early in November, and we had hoped to have revived it by the 1st of December, and it was not till the 1st of March that the Scotsman, which was its successor, appeared; during all that time there was a portion of the establishment kept up, but not I believe the same.

459. (*By the Committee.*) Was the Scotsman a new paper?—Entirely.

460. Were the same persons interested in it as were interested in the Calcutta Journal?—No. It was an object with the proprietors that their stock in trade, and the goodwill, and whatever they had, should not be altogether lost, and they made an arrangement with Dr. Muston, the principle of which was this, that he was to publish a paper of his own, having a lease of all the effects belonging to the Calcutta Journal; and the proprietors guaranteed to him that out of the profits they should pay him a salary of so much, and his salary being paid, after that so much should go for the rent, and then the surplus, if there was any, should go to him as the proprietor.

461. That paper is still published, is not it?—No, I think he sold the goodwill; it is merged in the Hurkaru.

462. When did it cease?—I think it ceased towards the end of 1825.

463. Did the proprietors of the Calcutta Journal suppose that they could transfer their subscribers to a new journal?—It was hoped that those who had felt good will towards the Calcutta Journal would give their recommendation to the Scotsman, and would come back, but I believe they were much disappointed in that expectation.

464. In point of fact, was not the Scotsman carried on by the same presses, by the same types, at the same place of publication, and by the same editor, by which it was before intended to carry on the Calcutta Journal?—Yes.

465. Were not all the subscribers to which the Scotsman succeeded, those who had been the subscribers to the Calcutta Journal?—All the old subscribers to the Journal received a copy of the Scotsman, as being the successor of the Calcutta Journal.

466. (*By the Committee.*) Did the proprietors of the Calcutta Journal, in point of fact, obtain any money from Dr. Muston for the purchase of that goodwill?—No; each shareholder received gratuitously a copy of the paper; part of the rent that Mr. Muston was to pay was a copy of his paper to each of the proprietors.

467. What was the other part of the rent?—The proprietors guaranteed to Mr. Muston that the profits of his concern should yield him so much for salary; then, his salary being paid, that so much of the surplus should go for rent to them; and that anything beyond that should be taken by Mr. Muston for himself. That was the basis of the arrangement. Mr. Muston took his chance of there being a surplus, being quite secure of his salary.

468. Were

468. Were the shareholders of the two papers the same?—Mr. Muston was the sole proprietor of the Scotsman. The proprietors of the library, and the materials and everything belonging to the Journal, made this arrangement with Mr. Muston.

469. Had the shareholders of the old paper any interest in the prosperity of the Scotsman?—Certainly; they guaranteed Mr. Muston his salary; and instead of selling the property, they gave the property over to him for his use; and when Mr. Muston's speculation failed, he came upon them to make good his salary.

470. Who was responsible for the other expenses of the paper besides Mr. Muston's salary?—The proprietors guaranteed to pay Mr. Muston so much salary, and after he had paid so much rent to the shareholders, the surplus should go to him; but they did not guarantee any surplus.

471. There were other expenses belonging to the paper besides the editor's salary; who guaranteed those payments to Mr. Muston; or is he responsible for those payments, if the proceeds of the paper are not sufficient to cover them?—The proprietors, I apprehend, would in that case be responsible.

472. The proprietors of the old paper?—Yes; they guaranteed that the concern should be productive to Mr. Muston.

473. In point of fact, as long as that paper existed the old proprietors had a strong interest in its prosperity?—Certainly; the failure that did exist fell upon their shoulders. It was an unfortunate arrangement, but it was the only means that we thought we had of making the property available.

474. Supposing the concern to be in debt, would the shareholders of the old paper be liable for it?—That arrangement only lasted for seven months; and on the winding up of that concern with loss, the loss was borne by the proprietors of the Journal.

475. What arrangement was made at the end of the seven months?—At the end of seven months we found the concern had fallen off; that the receipts were not sufficient to pay the establishment and the salary guaranteed to Mr. Muston; we therefore declined going on with the paper, and sold the property.

476. What was the date of the establishment of the Scotsman?—It began in March, and stopped at the end of September.

477. What ultimately became of the shares of the Calcutta Journal?—I hold one at this moment; they are unsold. The concern owes our house a balance of money at this moment.

478. You have no property in any other paper in consequence of holding that share?—No.

479. You have stated, that for those seven months during which Mr. Muston conducted the paper, instead of a profit there was a loss to the concern?—Yes.

480. Who has been charged with that loss; has Mr. Buckingham been charged with it?—We have not closed the account; but he is liable to us for his share of it.

481. (*By Mr. Buckingham.*) After Government had refused to grant a licence to Mr. Muston for 12 months, for a paper of the proprietors of the Calcutta Journal, how do you account for the Government having afterwards granted a licence to Mr. Muston for a paper of his own?—I never could understand how the objection that was started had been got over. Mr. Muston applied for a licence to carry on a paper of his own, which licence was to be contemporary with his lease of the property; Government declined that; but how afterwards he persuaded them to come round, in effect, to the same arrangement, I never understood; but the arrangement that took place at the end of February was a verbal one. The Government had refused Mr. Muston's application: he said, let me have a licence to print my paper with the materials that I hire, which shall expire when the lease expires. That the Government refused. How he afterwards persuaded them to come round to the same thing I do not understand.

482. You stated you considered the Scotsman in the East to be entirely a new paper; do you mean that the property was entirely new?—It was new in name; but it was open to Mr. Muston to have printed the Scotsman in the East with any other types.

483. Did not the proprietors of the Calcutta Journal obtain, by right, a gratuitous copy of the Scotsman in the East?—It was part of the rent.

484. Did any dispute arise between Mr. Muston and your house, as to whom the copyright or goodwill of this paper belonged?—Mr. Muston, on some occasion, thought that we regarded the copyright as belonging to the owners of the Calcutta

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Journal; and he, I think, agitated some question upon that point; but we were satisfied that it was open to Mr. Muston to print the paper where he chose.

485. Was the reason for your believing that, the terms of the licence, which made it exclusively his property, saying that he shall be the proprietor, and no other person?—I do not recollect having adverted to the licence at that time; all I knew was that Mr. Muston had applied for permission to publish a paper, and that he regarded that paper as his.

486. What became ultimately of the goodwill of the Scotsman in the East; was it not sold for a consideration?—Mr. Muston made some arrangement with a gentleman of the name of Locke, and afterwards either Mr. Locke or Mr. Muston sold it to the proprietor of the Hurkaru newspaper.

487. Then that part of the paper which was sold was only a succession to a certain number of subscribers?—They undertook to stop the paper; and the proprietors of the Hurkaru got their list of subscribers, and sent the Hurkaru in lieu, some notice being published in the Scotsman recommending the subscribers to go to the Hurkaru.

488. Do not you know that when the paper was first suppressed the proprietors of the Hurkaru supplied their paper in the interim, till it should be revived, to the original subscribers to the Calcutta Journal?—Yes, that was the case.

489. Do you not know that Mr. Muston sold his copyright, or his right of succession to the subscribers of the Scotsman, for a consideration?—I know the fact, that the proprietor of the Hurkaru, Mr. Smith, paid a certain sum of money to induce the proprietor of the Scotsman, who I believe was Mr. Muston or Mr. Locke, I am not certain which, to give up the Scotsman.

490. How do you know this?—I know it from Mr. Smith.

491. Who is Mr. Smith?—The owner of the Hurkaru.

492. You know that he paid a consideration?—Yes.

493. From your experience in the discussions which arose respecting that paper, do you not conceive that the goodwill, that is, the right of succession to the subscribers of the Journal, was of equal value at least with the materials necessary to produce that goodwill?—I am not a sufficient judge of the value of newspaper property to judge of that; I should think the value of the goodwill of a paper, that was at all productive, would be much more than the value of the materials.

494. Supposing that the licence for printing the Calcutta Journal had not been taken away, what should you conceive to have been the value of the Calcutta Journal?—It is impossible for me to form any opinion upon that subject.

495. Would it have been of much more value than the mere value of the materials?—No question of that; the paper was in tolerable circulation at the moment it was stopped; the value of the goodwill must have been more than the value of the mere presses.

496. Do you not think, if the Government had acceded to the first application for the renewal of the licence, subsequent to the suppression of the paper on the 9th of November, that a great portion of the goodwill of the paper might have been preserved?—I think that a good part of it might have been recovered, but some part of it would not have been restored. The licence was stopped early in November, and we had no hope of its restoration before the beginning of December; and during that period I think it very possible that the paper had received a partial injury, which even the subsequent restoration of the licence would not have completely restored, though I am of opinion that, had the paper come forth on the 1st of December, it is very probable that the greatest part of the subscribers would have come back to us.

497. Do you happen to know about how many subscribers there were when Dr. Muston received his licence, and revived the paper under the name of the Scotsman in the East?—I had not the least idea. He had given to him a list of all the old subscribers of the Calcutta Journal, and he had the benefit of the hawk books in the office.

498. Were not the subscribers and the goodwill with which he began that paper, the subscribers and goodwill of the Calcutta Journal?—Certainly, he succeeded the Calcutta Journal.

499. In point of fact, did he not subsequently sell the goodwill and the subscribers which he so obtained, for a consideration, to another person?—Yes, the Scotsman was sold to Mr. Smith, the proprietor of the Hurkaru newspaper.

500. (*By the Committee.*) You said that the notice which was circulated might, in

in your opinion, be calculated to give offence to the Government, though you thought it probable that the Government would not take any notice of it. The Committee would wish to ask how you, being the agent and friend of Mr. Buckingham, could sanction the publication of a notice which you thought calculated to give offence to the Government, and so to defeat the object you had in view?—I meant to say that the result showed that it was calculated to give offence. I was asked if we had ever anticipated this result, and I replied that the possibility of its giving offence did occur in the course of discussion, and that, on consideration, we came to this decision, that it was mildly expressed, and that we did not think the Government would think it worth their while to take notice of it.

501. You believing that there was a possibility of its giving offence, how came you and the other partners to sanction a notice which you considered by possibility might give offence to Government, and so defeat your own object?—We came to the decision that it would not give offence; the question arose in conversation, “will not this give offence?” and we came to the decision that it would not.

502. If there was any chance of its giving offence, would it not have been judicious to avoid the possibility of it?—Perhaps it might have been more judicious.

503. Could you have avoided that chance?—We could have rewritten the notice.

504. Do you think it would have been possible to have penned such a notice as might not possibly have given offence to the Government?—I am hardly competent to decide that question. I believe any notice that could have been written would have given offence.

505. The Committee would wish to draw your attention to the second and third passages in the notice, which are as follows: “On this occasion it is merely necessary to state, that the management of the paper has been transferred into the hands of a gentleman calculated in every respect to support its character, and under such circumstances the formality of a prospectus is deemed superfluous. Those to whom the late paper was acceptable will find, it is hoped, in that now offered a substitute not less entitled to their patronage. But it must not be concealed that the late enactments, being from their nature probably somewhat indefinite, have by their influence thrown a melancholy check on the spirit of inquiry and discussion, which seemed to promise much ultimate benefit to the country and its government. It is not asserted that the law was intended to prohibit all inquiry and discussion; its avowed object was merely to limit it, but its effect was to intimidate many from writing at all, and to cripple the effusions of those who still ventured to indulge in the expression of sentiments at all at variance with the existing state of things.” Did it appear to you that third paragraph was necessary to give a particular warning to the persons who might subscribe for that paper, that they were to expect, not that free discussion in the sense in which it has been used, as meaning abuse of Government, but that general communication of knowledge and discussion of political subjects which had before taken place, in consequence of the uncertainty under which such matters were placed by the then rules; or was that intended in a manner offensive to Government?—It certainly was not intended as offensive to Government; it was intended as a notice to subscribers, why the paper would be reduced in size and reduced in the substance contained in it, and probably in the character of the articles introduced.

506. And nothing at all offensive to Government was intended by it?—No.

507. Nor was it thought likely that offence would be taken at it?—It was not thought likely that any offence would be taken.

508. Was there a written agreement, as to the terms made with Mr. Muston, when he entered upon the publication of the Scotsman?—The agreement was contained in letters, and the letters were put by Mr. Muston into the hands of his solicitor, to draw up an agreement from. An agreement was drawn up, which we did not think was exactly corresponding with the terms of the letters, and it never was finally engrossed or signed, the period being so very short before the arrangement came to an end; we had the power at the end of six months of stopping the arrangement altogether, and then it finished, but the agreement was contained in letters that passed between Mr. Muston and myself.

509. (*By Mr. Buckingham.*) Is it not true that the greater portion of the original Calcutta Journal consisted of communications of correspondence and discussions on various subjects, written by other people than the editor?—As a reader of the Calcutta Journal, I have been in the habit of remarking that a great deal of interesting matter that was published was in the form of letters; who the author

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J. C. C. Sutherland, Esq. of those letters was, whether they were written by the editor or by anybody else, of course I could not tell.

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510. Was it not one of the effects of those regulations which placed discussion under greater restraint than before, to reduce the quantity of information sent to the newspaper in the shape of correspondence?—I should think it was; but I know of no facts on which I could form an opinion upon that subject.

511. Did you observe any diminution in the matter of the *Calcutta Journal*?—Certainly; the *Scotsman* never contained matter of so much interest as the *Calcutta Journal*, nor do I think the *Calcutta Journal* was so valuable after Mr. Buckingham was sent away as before.

512. Does not the annunciation which has been quoted from the notice, allude to a reduction in the quantity of matter to be issued in the *Calcutta Journal*?—It does so.

513. In accounting for that reduction of the quantity, was it not the meaning of that paragraph that those new restrictions, although not intended to cripple discussion altogether, had had the effect of intimidating many persons from writing, and that therefore a paper containing so large a quantity of correspondence as formerly could not now be produced?—That is what I suppose was meant by that paragraph.

514. (*By the Committee.*) Had it any relation to the quality, as well as the quantity of the matter that would be contained in the paper?—It certainly implied that persons who sent communications would be disposed to be more cautious in what they sent.

Mr. James Silk Buckingham, further Examined.

Mr. J. S. Buckingham.

515. WILL you state to the Committee the first paragraph in your *Journal* that was objected to by the Government, and for which you received a warning respecting the conduct of your *Journal*?—The first paragraph that was ever complained of is in the *Calcutta Journal* of the 26th of May 1819. It is as follows: "*Madras.*—We have received a letter from Madras of the 10th instant, written on deep black-edged mourning post of considerable breadth, and apparently made for the occasion, communicating as a piece of melancholy and afflicting intelligence the fact of Mr. Elliott's being confirmed in the government of that presidency for three years longer. It is regarded at Madras as a public calamity, and we fear that it will be viewed in no other light throughout India generally. An anecdote is mentioned in the same letter, regarding the exercise of the censorship of the press, which is worthy of being recorded as a fact illustrative of the callosity to which the human heart may arrive; and it may be useful, humiliating as it is to the pride of our species, to show what men, by giving loose to the principles of despotism over their fellows, may at length arrive at. It will be in the recollection of our readers that a very beautiful and pathetic letter from the late lamented Princess Charlotte to her mother, written just previous to her death, was printed in the *Calcutta Journal* about a month ago. This was as much admired at Madras as it had been here, and the editors of the public prints there, very laudably desiring to add every possible interest to the columns, had inserted this letter, but it was struck out by the pen of the censor, (whom the public will of course exonerate, since it is known to all by whom it is necessarily directed;) and the only reason that could be assigned for its suppression was, that it placed the character of the Princess Charlotte and her attachment to her mother in too amiable a light, and tended to criminate by inference those who were accessory to their unnatural separation, of which party the friends of the director of the censor of the press unfortunately were."

516. Will you state the letter you received from the Government on that occasion?—The letter of the Government is dated the 18th of June 1818. [*The same was read; vide Appendix.*]

517. Can you account in any way for the lapse of time that occurred between the 26th of May, when the article appeared, and the 18th of June, when the Government addressed that letter to you?—I can. From the uniform practice of Government of making complaints of articles that offended them within a day or two after the offence was committed, and from this paragraph having incurred no notice of the Government whatever till a sufficient time had elapsed for it to pass to Madras, and from thence to come back to Calcutta, I believe that the reason of that lapse of time was that no complaint was intended to be made by the Government of Bengal till it was complained of by the Governor of Madras.

518. What

518. What answer did you make to that letter of the 18th of June, from the Government?—Accompanying that letter which came to me from Government, was enclosed a copy of the restrictions issued to the editors of newspapers, which I then for the first time received and for the first time saw; and in consequence of understanding then that I had acted really under an erroneous impression of the existence of a freedom of discussion which was not intended to exist by the Government, I wrote to the Government a letter which is referred to in the correspondence, which I will read. [*The same was read, dated the 22d of June 1819; vide Appendix.*]

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519. Will you state the second occasion on which the Government objected to any article contained in your paper?—The second was for a notice to the subscribers, published in the Calcutta Journal of January the 20th, 1820. The notice is this: "To subscribers under the Madras presidency. Our Madras friends are already aware of the measures which have been taken to impede the circulation of this Journal through their presidency, and will have already formed, no doubt, a correct opinion as to the motives in which these measures originated: as, however, we find our desire to extend its circulation through their territories rise in proportion to the weight and authority that has been opposed to it, we have determined to make any sacrifice rather than suffer our friends in that quarter to be deprived of an opportunity of seeing now and then discussions on topics which they are not likely to find touched on in other Indian prints. The Journal will therefore be supplied as usual at 20 rupees per month, at those stations which it may reach without having to pass through the hands of a postmaster who may levy a tax on it by order of the Madras government; and such as pass through Ganjam on their way, where the additional impost of Madras postage must be paid, will be supplied at 10 rupees per month, the price at which it is delivered to subscribers in Calcutta, by which means we shall suffer an actual loss of so much of the postage as is paid by us for the free passage of the paper as far as Ganjam, and be paying about 15 rupees per month for what we shall receive back 10 for, making the overplus a premium to the subscribers for their patronage of free discussion, which we hope to see made subservient to the great end of public good, for which alone it was granted us. The measures of the Madras government, in refusing to let the paper pass free beyond Ganjam, though marked 'full paid' at the post-office here, and placed on the same footing as post-paid letters, which go free to their destination without any impediment, have already occasioned us a considerable loss in refunding the postage exacted from our subscribers in that presidency, which had been already acknowledged to be full paid here; though this measure has brought us an increase of numbers from that quarter. The sacrifice we now propose will be, it is true, an addition to such pecuniary loss; but it will at least be a voluntary one; and we trust that the dissemination of sound principles in politics, and free inquiry on all topics of great public interest, will meet no check by this means; but that the triumph of liberality over its opposite quality will be full and complete, whatever obstacles may be opposed to it, or in whatever quarter such opposition may originate."

520. Will you read the letter you received from Government upon that occasion?—It is dated January the 12th, on the day subsequent to the appearance of the notice.—[*The same was read; vide Appendix.*]

Jovis, 25^o die Maii, 1826.

LORD JOHN RUSSELL, IN THE CHAIR.

Mr. James Silk Buckingham, called in; and further Examined.

521. WILL you state to the Committee what answer you returned to the letter you received from Government complaining of your conduct as editor?—As that letter contains in itself some of the strongest reasons that I was then prepared to offer for an apparent deviation from the avowed and declared wishes of Government, I have a particular desire that it may be read to the Committee, in order that they may see what was the impression then upon my mind.

[*The same was read, dated the 16th January 1820, addressed to W. B. Bayley, esq., the Chief Secretary of the Government. Vide Appendix.*]

522. Is this letter, which has now been read, purporting to be signed by you, dated the 16th of January 1820, and addressed to the Government, a correct copy of that which you sent in?—That is not a correct copy of the letter I addressed to the Government.

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523. What

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523. What means have you of stating to the Committee that this is not correct?—I have in my possession a copy of the correspondence which passed between myself and the Government, which was printed in Calcutta at the time from copies of the correspondence in my own handwriting, with which it was sedulously compared, and I believe it to be a perfect copy.

524. Have you in England the copies from which that pamphlet which you hold in your hand was printed?—I have not.

525. But you can state that it is correctly printed from those copies?—I know it to be so.

526. Did you yourself examine the press at the time that pamphlet was published from your own manuscript?—I did.

527. How many copies of that pamphlet were circulated at that time in Calcutta?—About 500.

528. Therefore the pamphlet containing the correspondence was generally known?—Intimately known to every individual in the settlement.

529. Will you state what are the omitted passages?—At the end of the first paragraph, after the words, “under the Madras presidency,” there is the following passage omitted :

“And commanding me to transmit to your office, within the period of three days from the receipt of the order, a distinct acknowledgment of the impropriety of my conduct, and a full and sufficient apology to the Government of Fort St. George, for the injurious insinuations contained in that notice, in order to its being subsequently published in the Calcutta Journal.”

After the third paragraph, ending with the words “a power so equitably exercised,” the following paragraph is omitted :

“On the 18th of June last I had the honor to receive from you a letter of the same date, communicating to me the sentiments of the Governor-general in Council on certain paragraphs published in the Calcutta Journal of the 26th of May 1819, respecting the reported continuance of Mr. Elliott in the government of Madras. These paragraphs were stated to be not only highly objectionable in themselves, but also in violation of the obvious spirit of the instructions communicated to the editors of newspapers in August 1818, when the censorship of the press was abolished. Your letter of this date further went to say, that any repetition of a similar offence, in violation of these instructions of August 1818, would subject me to be proceeded against according to law.”

Again, after the fifth paragraph, ending with the words “repeated week after week without interruption,” there are four paragraphs omitted, which are as follow :

“6. On the 24th of July 1819, the Governor-general received in public audience an address from the inhabitants of Madras, in which, among other acts of his benign government, those inhabitants congratulated his Lordship on the wisdom of his policy, which had been founded on the maxims, ‘That to the attainment of truth, freedom of inquiry was essentially necessary; that public opinion was the strongest support of just government, and that liberty of discussion served but to strengthen the hands of the Executive.’ They added (adverting to his Lordship’s removal of the restrictions from the Indian press), that ‘such freedom of discussion was the gift of a liberal and enlightened mind, and an invaluable and unequivocal expression of those sentiments, evinced by the whole tenor of his Lordship’s administration.’

“7. In the reply of the Governor-general to this address, his Excellency avowed to the world the motives by which he had been actuated in the removal of those restrictions from the press. First, from his habit of regarding the freedom of publication as a natural right of his fellow subjects, to be narrowed only by special and urgent cause assigned. Secondly, from seeing no direct necessity for those invidious shackles which he had been induced to break. And, thirdly, from a positive and well weighed policy, which had taught him that if our motives of action are worthy, it must be wise to render them intelligible throughout an empire, our hold on which is opinion. ‘Further,’ his Lordship added, ‘it is salutary for supreme authority, even when its intentions are most pure, to look to the control of public scrutiny. While conscious of rectitude, that authority can lose nothing of strength by its exposure to public comment. On the contrary, it acquires incalculable addition of force.’

“8. As this was an act emanating from the highest authority of the land, and was given to the world as an open and solemn avowal of the motives by which his Lordship was actuated in his removal of the restrictions from the Indian press; as it publicly approved of the exercise of scrutiny and comment on the conduct of Indian administration, and avowed that such confinement could only tend to strengthen and add force to a government the motives of whose actions were pure; it appeared to me, that to withhold such comment was either to doubt the purity of those actions which emanated from the supreme authority, or tacitly to question the sincerity of the sentiments thus openly and solemnly pronounced.

“9. I conceived, accordingly, that the regulations or restrictions of August 1818 were as formally and effectually abrogated by this step as one law becomes repealed by the creation of another, whose provisions and enactments are at variance with the spirit of the former. I conceived that, as his Excellency had received the congratulations of the inhabitants of

Madras

Madras on his removal of the restrictions which bound the Indian press, and explained to them the motives which had induced him to make that press free, that such restrictions were actually removed, and that the press was really free. My reason taught me that the validity of a rule prohibiting the expression of any opinions on the acts of Government, and a solemn approval of the exercise of public scrutiny and comment on such actions, were incompatible with each other, and could not simultaneously exist; and while I regarded the authority which had pronounced such scrutiny useful and salutary, as the highest from which any act could emanate in India; while I valued and revered the character of the illustrious individual who had pronounced it, for sincerity and integrity, and while I entertained the belief that a recent act or law, differing in spirit from an older one, necessarily abrogated it, I could not regard the instructions of August 1818 as any longer binding or in force."

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After the words, "were all touched with freedom," the following paragraphs are omitted:

"12. And it was impossible for me, while these constantly passed unnoticed by the Government, not to be confirmed in my opinion and belief, that the sentiments of the Governor-general, as expressed in his reply to the address of the inhabitants of Madras, were not merely abstract doctrines or general truths, pronounced without a specific object, but were the principles by which his Lordship's conduct was actuated, and the grounds on which he founded a system of liberty of discussion and freedom of publication, which he originally intended to be reduced to practice, and of which he had consequently permitted the free exercise, as consonant with those sentiments, and as meeting his avowed approbation.

"13. I regret, however, to learn, by the tenor of your letter of the 12th instant, that I have mistaken the extent of the indulgence and freedom which his Excellency meant to allow to the Indian press. I did conceive, when the Governor-general pronounced 'that the triumph of our beloved country over tyrant-ridden France spoke the force and value of that spirit to be found only in men accustomed to indulge and express their honest sentiments,' that his Lordship had extended to us the privilege of the same honest expression of our sentiments in India. If, however, I have been in error in drawing this inference, my regret is considerably heightened by the recollection that I have contributed so zealously, and so imminently to the risk of my fortune, health and reputation, as I have done, to lead others into the error into which I myself have fallen.

"14. From your letter of the 12th instant, I must conceive the full existence of those restrictions of 1818, which I had believed to have been abrogated, as that letter makes it the basis of my offence, that my remarks on the government of Fort St. George are obviously in violation of the spirit of those rules to which my particular attention had before been called; and because of this violation of a law which I had the strongest reason to believe annulled, you peremptorily command me, within the short space of three days, to make a distinct acknowledgment of the impropriety of my conduct, by retracting opinions that I honestly conceived and honestly expressed; to make a full and sufficient apology to the government of Fort St. George for the injurious insinuations expressed by me against its conduct, without my being convinced of the injustice or falsehood of such opinions, and without my entertaining a sense of having acted wrong; and further, to have this couched in terms that shall express what you may approve rather than what my own heart and conscience would dictate, by commanding me to transmit to your office, within three days, a draft of such retraction and apology for your revisal and approval previous to its publication, on pain of forfeiting all the protection of this Government, and being proceeded against in such manner as may be deemed fit.

"15. It is impossible for me to express to you, Sir, how I feel humbled by such a demand, in the rank which I deemed myself to have held among my fellow citizens in India, as owing to the Government of this portion of the British empire the warm and loyal attachment of an Englishman, but as being also protected in my rights and property, in return for that allegiance, by the permanent justice and equity of the British laws, to which alone I conceived myself responsible for crime, and at whose tribunal I should bow to the decision of my judges with that feeling which ought to characterize a subject of a free but just and equitable Government."

It further appears that the three last paragraphs of the letter are omitted. I will read them to the Committee.

"33. In conclusion, I beg you will say for me to his Excellency in Council, that if it is his pleasure to command me to relinquish my charge, abandon my occupations, and sacrifice, with my present property, all my future hopes, long and ardently as I have toiled through misfortune and suffering to attain the footing I now hold, I shall yield implicitly to his authority. If it be his pleasure further to command me to leave the country, I have not the means, nor indeed could I wish to possess them, of resistance. If, however, his Lordship should deny me this alternative, and still insist on my expressing a sense of contrition for an act that I cannot honestly avow to be wrong, or my retracting opinions which I sincerely believed to have been correct when I uttered them, and which I still entertain, or on my publicly apologizing for the performance of an act which, when committed, I held to be my bounden duty, I feel that I cannot promise a compliance.

"34. For the past, I am willing to express this open and public regret at my discovering myself to be in error in inferring the cessation of the restriction of August 1818, which I confess freely that I in common with every other editor, even those who contended for their being still in force, have daily violated (on my own part, however, from believing that

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they were virtually abrogated, and no longer binding); and still deeper regret at having done anything, under the influence of such error, which could have been capable of misconstruction, or have given to his Lordship in Council, or any other member of the Indian Government, unnecessary pain.

"35. For the future, if I am permitted to exercise my present avocations, I desire only to know distinctly and clearly what are the topics on which I am not to touch; and, understanding this to be the will of the Government, in the form of a law or official regulation, I shall regard it as I have been accustomed to regard the laws of my country, as paramount to all authority, as subject to question only for the purpose of revision and amendment, but as commanding obedience, as long as it is in conformity to the constitutional powers vested in any legislative body, and as long as the application of the penalties for infringing it is uniform and impartial."

530. Be so good as state the date of the answer to this letter?—The 27th of January.

531. Between the time of your sending this letter, and your receiving the answer, had not there been some private communication between you and any officer of the Government, or any officer of Lord Hastings's personal staff with respect to this letter?—None whatever.

532. And you are quite sure that you did not yourself give in any other copy, or consent to any alteration being made in the letter which you have sent in?—I am quite sure of that.

533. You do not think you revised and corrected it afterwards?—Not after it was sent in.

534. Before publication?—No, not before publication; it would have been an act that would have brought down disgrace on my head in the eyes of all people there.

535. What is the date of that publication?—It was published in Calcutta on the 13th of August 1821.

536. That is above a year after the correspondence took place?—Yes.

537. Were any copies of that printed correspondence put into the hands of the Government, or of persons connected with the Government?—None were put into the hands of Government by myself, but they were circulated very freely throughout Calcutta.

538. Was that published in your Journal?—No; I asked permission of Government to publish the correspondence, and they declined to give me permission so to do.

539. You were asked whether any officer of Government, or any person on Lord Hastings's personal staff communicated with you: did any other person whatever, on the part of Lord Hastings, whether in the service of the Company or not, communicate with you?—No person whatever did so. But I beg to add, that after this letter was sent in, I received an intimation that a shorter letter had better be written, to be sent to Madras, which shorter letter should be confined to the subject of the postage, leaving out all the reasonings with respect to the freedom of the press.

540. Did you receive any answer to the letter which has been read to the Committee?—I did.

541. Will you state what that answer was?—It is dated the 22d of January 1820. [*The same was read. Vide Appendix.*]

542. Was the letter which was sent in to the Government in your own handwriting, or transcribed for you by any other person?—In my own handwriting; all my correspondence with the Indian Government was in my own handwriting; knowing what the natives were, I never trusted them on such occasions.

543. Were the paragraphs in the letter which you sent in numbered?—They were.

544. And you can state that they were numbered in the same series as the printed copy you have in your hand?—Yes.

545. In distinct paragraphs?—Yes.

546. You feel confident of that?—Yes; that is the universal mode of writing in India.

547. How do you account for this allusion of the chief secretary, in which he says, "With reference to the observations contained in paragraphs 9 to 19 of your letter of the 16th instant inclusive, he directs me to state, that many of the supposed grounds of grievance, adverted to in those paragraphs, appear to rest on no solid foundation"?—I take it that from paragraphs 9 to 19 included those parts which the secretary did not think it necessary to make any remarks upon.

548. But paragraphs 9 to 19 in your printed letter do not, in the slightest degree, refer to the supposed grounds of grievance?—To show that this is not the first

first moment that this question has arisen, there is an explanation in a note to this pamphlet, printed in Calcutta in the year 1821, in which that is noticed.

549. How do you account for it?—My impression is this, that the government at Bengal, feeling it their duty to send to the governor of Madras the letter which I had written, and their answer to it, omitted that part which related to the proceedings at Madras, and to that which was known to be offensive to the Madras government; and in order that this answer to my letter might correspond with what they sent away, some alteration of the paragraphs might have been made on that account.

550. You have stated that you were informed that the Government wished you to write a short letter for the purpose of transmission to Madras; which short letter you did write, and which was sent to Madras; therefore there seems to be no occasion for sending any part of this longer letter to Madras when a shorter one was written for that purpose?—No, I had no means of knowing how it was, nor can I imagine how it was; I mention this only to show that there is great good faith on my part, because I stated the discrepancy at the time.

551. Before you sent this long letter to the Government, can you recollect how many copies you made of it?—I am quite sure that there was only one copy.

552. You are quite sure that there was but one copy kept in your possession of the letter you sent to the Government?—Quite sure.

553. You are quite sure that that was the same copy from which you compiled that book?—Quite sure.

554. Is there any reference in that answer of the Government, to the request you made in your letter, that some rules might be laid down for the conduct of your paper?—There is in the 11th paragraph, and from that to the end. [*The same was read.*]

555. How do you conceive that that bears upon the paragraph which appears to have been omitted in the official copy of your letter?—I should think, that if my answer had been confined simply to an exposition of the matters relating to the Madras government, and had not gone specifically into a justification of my conduct, owing to my conceiving the existence of no restriction, that such a pointed allusion to the nature of those restrictions, and the reasons for considering them still in existence, would not have been offered.

556. Did you write any letter, in answer to this, to the Government; or did that close the correspondence, with regard to that offence?—I did not write any letter, but I wrote a notice, in compliance with the wish of the Governor-general in Council, which notice was published in my paper of the 11th of February, 1820. As the correspondence of the Bengal government makes complaint of that notice, I think it important that it should be read. It is as follows:

“ Notice to Subscribers under the Madras Presidency.

“ It gives us sincere pleasure to be able to announce to our subscribers under the Madras presidency, that the measures we have taken to counteract the evil apprehended from the late interruption of the free postage of the Journal through their territories, have hitherto been attended with a success beyond our most sanguine expectations, and promise us more satisfactory results than even the continuance of that system itself would, for a long period at least, have commanded.”

That is the notice I issued in compliance with the wishes of the Governor, and upon that that correspondence ceased. I had a right to infer, therefore, that that was deemed by the Government a sufficient atonement.

557. From whom did you receive the intimation you have mentioned, of the wish of the Government that certain parts should be omitted in the letter you sent to the Government?—It came, I think, from Mr. Chessney.

558. In what situation is Mr. Chessney?—He was then private secretary to Lord Hastings. But no correspondence took place on that subject; it was only a verbal communication.

559. What was the nature of the intimation given to you by Mr. Chessney?—The nature of the intimation given to me was, that a great jealousy existed between the Governor-general at Madras and Lord Hastings himself, personally, on this ground; that at Madras a meeting had been held, the chief object of which was to eulogise Lord Hastings for his emancipation of the press, and that efforts were made by the newspapers there to publish a full report of the proceedings at that meeting. On one of the papers being sent to the censor at Madras, he, by order of Governor Elliot, struck it out, the Governor refusing to let those praises of Lord

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Hastings be published. Under those circumstances, it was stated to me that great hostility of feeling existed between them, and that Lord Hastings's wish was to omit in the correspondence anything which might give a fresh cause for the irritation which he lamented; and under those circumstances, that it would be better to write a shorter letter, confining it entirely to the question of the postage. That was communicated to me by Mr. Chessney.

560. This communication with Mr. Chessney was after your letter had been sent to the Government?—After my long letter had been sent to the Government.

561. Do you know whether at the time you had this communication with Mr. Chessney, your long letter had been put on the proceedings of the Government?—That I do not know.

562. Was this communication with Mr. Chessney anterior to the date of the public letter that was addressed to you, in answer to your long letter?—I cannot speak distinctly to that; I should think it was.

563. And you are positive that you had no communication with Mr. Chessney on the subject of any alteration proposed in your long letter?—I am quite sure that I never saw Mr. Chessney upon this subject till after the long letter had been given in; I think it was within a day or two after.

564. You are certain that it never was withdrawn, and another substituted for it?—Certainly not.

565. Were you in the habit of having communication with Mr. Chessney upon subjects relating to your paper?—Yes, very frequently.

566. That is, other communications besides the one in question?—Yes.

567. You are quite certain that one of those copies could not be a rough copy, and the other a corrected copy?—My opinion upon that subject is quite clear, that the copy which appears in this printed book is an exact copy of the letter I sent in.

568. Will you state what was the next occasion on which the Government found fault with your conduct as editor of the Calcutta Journal?—The next was a letter on military pay at Hyderabad, the writer of which was demanded by the Government, and his name was given up. That of course was one of those letters which occasioned the displeasure of the Government, or they would not have asked for the author. That was published in the Calcutta Journal of the 29th of February 1820.

569. Who was the writer of the letter?—Captain Smith.

570. Have the goodness to read the letter?—It is in page 416 of the Calcutta Journal.

“ To the Editor of the Calcutta Journal.

“ Sir,

“ Although the subject on which I am about to address you may appear trifling in the eyes of gentlemen whose families daily risk more on a single card than the yearly pittance of a soldier would amount to, and who, in the true spirit of northern economy, would still pare that pittance downward, yet as there are others by whom the information may be deemed of importance, and as there is certainly one in India who is so truly the soldier's friend, that no suggestion, tending to ameliorate his condition, can be regarded with indifference; I venture, without further preface, to offer you the observations subjoined, as there is no medium through which I can hope for a more ready insertion, a more impartial statement, or a more extensive circulation of them than your Journal; and as I can vouch for the authenticity of the facts therein mentioned, I offer you my real name and address, to be made such use of as justice to you and to the cause may require at your discretion. The pay of the soldiery on the Madras establishment is calculated in Arcot rupees. The forces in advance are always, or nearly always, paid in the coin of the Nizam, which is distributed (whatever the exchange may be) at the rate of Hyderabad rupees 111 for 100 Arcot rupees. The money exchange has long been gradually and regularly upon the increase in favour of Madras; it is at present higher, I believe, than it ever has been. Government bills now sell at Hyderabad, anywhere and everywhere, save the pay-office, at a premium of $19\frac{1}{4}$ per cent. Sonat rupees. It appears then that the officer and soldier receives $8\frac{1}{4}$ per cent. less by money than he receives by bill; this difference is a loss, and not a surplussage, it arises from the extreme and acknowledged depreciation of the Sonat rupee, which does not contain nearly the amount of silver which its standard purports that it should contain. I have reason to believe that the Sonat rupee, upon the average, falls 20 per cent. short in real value of the Arcot rupee, if not more; thus the exchange of sterling silver at Hyderabad for sterling silver at Madras is in reality in favour of Hyderabad. A man who should propose counters to be passed as sterling money, would be ridiculed and laughed at, yet to pass a depreciated rupee at its standard value is an absurdity of the same kind, though not quite so glaring. If the same quantum of unadulterated silver was paid to the soldier when at Hyderabad as when at Madras, I am confident that the real exchange never would differ on either side above two or three per cent. Diamonds may be bought too dearly; the convenience of a cer-

tain and easy transfer of property may be purchased at too high a price. Between places relatively situated as Hyderabad and Madras, merchants, rather than pay so enormous a difference of exchange as $8\frac{1}{2}$ per cent. sterling money, would undergo the expense, and risk the danger of the carriage of bullion. Independent of the loss to the soldier and sepoy as above mentioned, the present method of paying the troops produces two effects pregnant with the most important evils. First, the demoralization of the officer's character, by inducing him to traffic in bills; secondly, it affords to those through whose hands much money passes, a strong temptation to illicit gain. I have known Arcot rupees arrive at Hyderabad for the payment of the troops, who notwithstanding received their pay in the coin of the Nizam; nay further, I have known Arcot rupees arrive very early in the month, yet only half the pay of the troops distributed to them about the 10th; the other half, in the same manner, about the 20th. What inference must be drawn from this most certain fact? either that the shroffs and sowcars were disposed to drive rather a hard bargain, or that they really did not possess a sufficient quantity of Sonat rupees for the whole payment of the troops. By the 28th, then, the Arcot rupees could be coined afresh with immense profit into Sonat rupees, if the base coin of the Nizam did not long ere that period naturally revert to them. I have known the self-same officer who brought the Arcot rupees to Hyderabad, and was about to return to the Company's country, refuse his pay in the very money he had escorted: he did indeed at last receive it, but by much importunity, and as a great favour. Gold, I have heard, has frequently arrived for the payment of the troops, which was nevertheless, previous to pay-day, exchanged into the base coin of the Nizam. What these facts carry with them, I leave to the public to judge, who will undoubtedly keep in mind that there have been gentlemen concerned in the payment of the troops, who have retired with the most princely fortunes. I beg leave to suggest as an advisable measure, that the troops in advance should be hereafter paid at the current rate of exchange; and if it should be thought necessary, that eight or nine per cent. should be subtracted from their pay. Thus, instead of a concealed, making a clear, certain and avowed deduction from their public allowances.

"I am, Sir, your obedient servant,

"Poonah, Jan. 30, 1820.

S."

571. What letter did you receive upon the subject of that article?—I received a letter from Government, which is in the correspondence, stating that, as the author of that letter had professed his willingness to give his real name and address, the Government desired to have it, and I accordingly furnished it to the Government.

572. Will you read your answer to the Government?—[*The same was read, Vide Appendix.*]

573. What further took place upon the subject?—No further communication with me took place; but I learnt from Captain Smith himself that he received a letter from Government calling his attention to this letter, and asking for the information which he had detailed in the Journal; that he then gave all the information he possessed upon the subject; and the Government being satisfied of the existence of those evils, took the most prompt and effectual measures to remedy them. In fact, the evil was remedied.

574. What was the next occasion on which you had a correspondence with the Government respecting your paper?—The next occasion was on account of a letter in the Journal of the 3d of November 1828; a letter headed "Military Monopoly," and signed by a young officer; it is as follows:

"Sir,

"Frequent instances have been related to me of the officers on the general staff of the army, fixed permanently at stations, taking advantage when corps have been ordered to march, for the purpose of effecting the relief, to monopolize the bungalows of the relieved corps, in order to make their brother officers of the relieving corps rent them at a most usurious rate. The object of this mean transaction is to improve their already filled purses, at the expense of those who have been performing every species of military duty, whilst these gentlemen have been making their fortunes. I have said, 'instances have been,' because I positively could not believe it, had not it fallen, I am sorry to say, to my lot to suffer under the monopoly. On my arrival at the station assigned to the battalion with which I am now doing duty, I naturally made it a first point to buy a bungalow. I pitched on one which the person who has the care of it told me belonged to Captain ———; I went to a second and to a third, which also, I was informed, belonged to the same gentleman; I, however, selected one of them, and was on the point of writing to Captain ——— regarding it, when I was informed by an officer, who, I believe, had applied for the purpose of renting it, that 'unless it was taken for certain all the time the battalion remained here, and the rent, 50 rupees, paid monthly (I suppose on account of Captain ——— being fearful of the dishonesty of the renter, for which I am very much obliged to him), it would not be rented.' I am not the only one who suffers; it is a general injustice. I give you a specimen of the sums paid by this gentleman for the different houses, together with the monthly rent he asks; and I appeal to the public if he does not deserve being brought forward, and his proceedings reprobated by the whole army. It is most shameful; for these heavy contributions

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always fall upon the junior officers of the army. It is a traffic fit for a Jew, but totally incompatible with the character of a British officer.

" 1 bungalow, purchased for 500; rent required, 40 monthly.

" 1 — — — — — 900 — — 50 —

" 1 — — — — — 1,500 — — 50 —

Now, Sir, the value of these three houses is 3,900 rupees, which money, if even put into the very best houses of agency, would not get him more than nine per cent. per annum, or 261 rupees. The interest of this sum, agreeably to his obliging terms, is 140 rupees monthly, or per annum, 1,680, being nearly two-thirds of his capital. Finding there was no possibility of suiting myself at this most exorbitant rate, I went upon a second expedition. The first house I went to was Captain ———, the second his, the third his, the fourth his; they were all rented at the same general rate as those of Captain ———; viz. so as to clear the capital sum in 18 months. Perhaps many of your readers may suppose that these two gentlemen bought up the houses for the purpose of obliging those officers who occupied them previously to their being relieved; this I positively deny; and as positively assert, that the sole object of their purchasing them was speculation to benefit themselves, by exacting usurious rent from those officers who unfortunately had not previously made their purchases. One proof is the actual refusal of one of these monopolists to sell when an officer offered to become a purchaser. I appeal to the army if such conduct speaks fine and honourable feeling; is it like the British officer to seize upon houses for the sole purpose of extorting from young men more than a fourth of their allowances? It is extortion; for they have not had the fair opportunity of becoming purchasers from the officers of the corps they were especially appointed to relieve; and I hear from older officers, that there is a regulation to that effect. I am sure it must be the wish of every officer in the army (the parties themselves excepted), indeed, of every gentleman in India, that a practice so totally at variance with liberality should be reprobated; and I sincerely hope that some of our brother officers, holding situations near the most noble the Commander-in-chief, will view such conduct in the light it deserves; if they do, and will introduce the same to the notice of his Excellency, his well-known high sense of honour and liberality will, I feel assured, induce him to put a stop to a monopoly so unjust towards the officers of the service, so derogatory to the character of those engaged in the usurious transaction, and so totally unbecoming that generosity so characteristic of and natural to military men.

" Your's, &c.

" A Young Officer."

575. Were you called upon by the Government to state the writer of that letter?—I was.

576. What answer did you return?—My recollection of the tenor of the answer is, that I desired permission from the Government to communicate with the officer, and to obtain his consent; the Government gave me permission; I communicated with the officer, obtained his permission, and handed his name up to Government.

577. Did any other correspondence take place between you and the Government after what you have stated?—Not upon that particular subject.

578. Did that satisfy the Government?—That satisfied the Government quite.

579. What was the next occasion on which you received a communication from the Government?—The next communication was on the 6th of November 1820. when the letter by *Æmulus*, on merit and interest, was published. Of that letter great complaint was made; and it was intended to be made the subject of prosecution by criminal information; but the criminal information was withdrawn, on the condition that an apology should be made to the Advocate-general in court, and that the motion should pass without opposition. The purport of the letter is to complain of myself for having admitted praise to the Government, which this disappointed and bitter writer fancied they did not deserve. The letter is dated November the 1st, 1820; it is in the *Calcutta Journal* of the 6th of November. It is as follows:

" To the Editor of the *Calcutta Journal*."

" Sir,

" Permit me to offer a few observations on a portion of a letter contained in your paper of yesterday, signed *B*. The passages to which I allude are as follows: ' Merit is of such an obstinate and volatile nature, that it will force itself into notice. We can boast of men who have gone on altogether by their own exertions, who have made their own interest, whose zeal and activity have been as conspicuous as their conduct is praiseworthy and exemplary.' Now, Sir, the sentiment here expressed with so much confidence and boldness seems entirely inadmissible; it will scarcely bear the test of a nice and rigorous scrutiny; and as such an expression of opinion, brought forward in this public manner, might tend to mislead persons remote from the scene, it is necessary it should be combated until proofs can be adduced, of sufficient force, to render it of admissible validity. I have been long resident, and not a wholly inattentive observer of passing transactions, in this country, and find that a tolerably minute course of inspection has led to a conclusion almost diametrically opposite to

to that which your correspondent has arrived at. No species of merit (I shall advance it without much apprehension of controversion) receives in this country a commensurate remuneration; but, on the contrary, every indication of rising genius is repressed, with the most undisguised and inconsiderate wantonness; and every excitement and emulation is barbarously and cruelly withheld, except by the pernicious means of a political influence, or, as it is generally termed, interest. Now the remotest prospect remains, to an officer in India, of rising to a participation in the honours and emoluments attached to numberless situations in the service; and the man of independent mind, who disdains to crouch and to fawn on his superior, is condemned to afflicting and perpetual indigence. His condition closely resembles that of a slave condemned to the galley, who toils, with constant and unremitted exertion, in the service of a cruel and careless master, without a distant prospect of emancipation, or the remotest hope of personal benefit.

"Had Juvenal flourished in our days, the following sentence could not have been more correctly or justly framed to suit the situation of the times: '*Probitas laudatur et alget.*' And had you seen, as I have repeatedly had occasion to witness, the brave and meritorious soldier pining, in brokenness of spirit, over his disappointed hopes, and languishing in obscure neglectfulness, I am inclined to believe you would not so unhesitatingly have given insertion to your correspondent's partial and flattering representations, without a word of disapprobation or commentary. In this conviction, I subscribe myself

"Your obedient servant,

"*Emulus.*"

"Calcutta, November 1, 1820.

580. How did the Government manifest their displeasure to you upon that occasion?—Before any intimation was received from Government, as to the impropriety of this letter, I had been addressed by a correspondent, in a letter containing a very severe reproof on myself for admitting it, saying, that although he was a great admirer of the freedom of the press, he thought this a violation of its spirit; and in answer to the reproof of that correspondent, I penned this note, which I think important to be read.

"Note of the Editor.

"That we should subject ourselves to the daily taunts and sneers of enemies; to the kind and salutary, yet, at the same time, painful reproofs of friends; and even to the displeasure of that impartial justice which we believe truly resides in the official authorities of the Government, who can be presumed to be influenced towards us neither by friendship nor enmity, is one of the greatest drawbacks to the pleasure arising from a consciousness of well-intentioned efforts in the performance of our duty. It is nevertheless, we believe, a necessary and an unavoidable consequence of the determination on which we have long acted, namely, a full reliance on the sincerity of those assurances held out to India, of a freedom in the discussion of all topics,—a right understanding of which would be promotive of public good,—and a desire to avail ourselves of this freedom, whenever after examination and reflection the communications of correspondents should appear to us to contain nothing forbidden by law, nothing offensive to decency or good morals, nothing perverse of justice, and nothing destructive of public good or of private virtue. It is known to many of our best friends that we have so little reliance on the infallibility of our own judgment, that there are few cases made matter of public discussion in which we do not rather gather the opinion of many than rely merely on our own; and in which we do not benefit, as far as our own convictions may yield to the superior judgment of others, from the collective wisdom and experience of the many. There are cases, however, which upon the face of them carry their own refutation so strongly, that the best means of combating the principles they avow, and bringing them into disrepute, is to print them in the absurd and objectionable way in which they are stated. We have done this with the political creeds of our contemporaries here, with the base expositions of the *Courier* in London, with the letters of *Qux Hy*, and others, sometimes with comment and sometimes without, leaving it to the good sense of our readers to make the comments, which, as they would suggest themselves in every mind, were quite unnecessary to dwell on. We have a hundred times most distinctly disavowed participation in the sentiments of correspondents, unless when so expressed by us; and we here again, if it can be necessary, most distinctly disavow any participation in the present. The writer, indeed, commenced by blaming us for the admission into our columns of a sentiment which to his mind is inadmissible; namely, 'that merit will force its way, and that the Indian army boasts many proud instances of men indebted entirely to their own merit for their present eminence.' The truth of this is so incontrovertible, that if a man were to write to eternity he could never disprove it. So at least we think. The writer of the letter, however, thinks differently; and if we permitted the one to contend for his opinion (for after all it is a mere opinion, and does not descend to state facts on either one side or the other), we could not in fairness deny the other a place for his. The writer of the offensive letter tells us, that had we seen as much of India as he has done, we should not have printed the paragraph of which he complains, without disapprobation or commentary. Another comes, and says, that if we knew as much of India as he knows, we should have rejected the letter of the dissatisfied man altogether. But we are not responsible for the opinions of either. And whenever we give our own, we do so not on the experience of others, who profess to have seen very little indeed, though we are glad, at times, to profit by the knowledge of those who have seen more. We have so often given our own opinions to the world on the subject of the Indian Government,

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ment, that it would be thought a fulsome tautology of panegyric if we were here to repeat all that we have before thought and felt on this head, and would subject us to the charge of a vice which we loathe and abhor from the bottom of our heart. This, however, we may say with safety, that in all the various countries of the earth which we have had occasion to visit, we know of none—England, and even America, not excepted—where merit is so sure a passport to eminence, either in the civil and military service of the Company, or in the walks of life that are without its bounds. With regard more particularly to the two former, it is known to every man who has been 12 months in the country, and who has made any inquiry at all, that the best and choicest offices and appointments in the gift of the Government here are unsparingly bestowed on those who can best fill them; and that there is no country on earth, where the place held by a man is a surer indication of his comparative talent than in India. We do not mean that it is graduated by a scale of so much talent to so many hundred rupees per month, because some are paid in larger proportions of honour than money; but we mean, that there is not a single post of importance, the duties of which require talent and integrity to discharge them ably and faithfully, in any branch of the service, that is not filled by men whose principal claim to that distinction is their fitness for the office they enjoy. It is almost painful to cite names, where they pour upon ones recollection in such a host that one knows not which to select, or else spontaneously write, and a galaxy of worth and talent, in places of the highest eminence, would immediately appear, which for those who are so highly gifted, the posts of honour and trust, that require integrity rather than talent, are the sure and just reward for length and well-tried fidelity of service."

I beg to state that that note was written previously to any intimation being given of this letter having been displeasing to the Government.

581. Was the apology which was stated in a former part of your evidence to have been made, and which terminated the prosecution for that letter, made after that note appeared, or before?—After the note appeared. No intimation of the displeasure of Government arose till after that note had appeared.

Veneris, 26^a die Maii, 1826.

RICHARD WELLESLEY, ESQUIRE, IN THE CHAIR.

Mr. James Silk Buckingham, called in; and further Examined.

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582. IN the copy which you put in of your letter of January 1820, the Committee observe that that letter is dated the 18th of January, the reply of the Secretary to Government acknowledges the receipt of a letter dated the 16th, and received on the 18th; did that excite your attention at the time?—Not at all; it is the letter respecting the post-office at Madras, because a reference is made to the dates at which they were put in and delivered in the notice to subscribers under the Madras Presidency, which was drawn up in conformity with the wish expressed by the Government, to explain the circumstances. I observe there, after these words, "The editor, in reply to this demand, laid before the Government a statement of facts explanatory of the notice which thus excited displeasure," a note which states that it was delivered on the 18th ultimo; and that corresponds therefore with the statement contained in the official correspondence, that it was dated on the 16th, and received on the 18th.

583. But you have printed it as dated on the 18th?—I take that to be an error.

584. Is it an error on your part?—It is; I have no knowledge whether it is really the 16th or the 18th.

585. Did you make any considerable alterations in your letter?—Not one that I recollect.

586. You cannot state from your recollection now whether that letter was dated the 16th or the 18th?—I cannot.

587. Have you anything that can assist your memory?—Not at all, except the note to which I have referred, which states that this letter was delivered on the 18th. Now, considering that the government-house in Calcutta is only a few streets from the printing-office, it is probable that it might have been written and delivered on the same day.

588. The

588. The copy you have printed is dated on the 18th?—It is, which is on the day that Government have stated it to have been received.

589. When you say that the letter was probably written and delivered on the same day, are you aware that the letters bear the date of the meeting of the Council, and not of the very day on which they are written?—That may account perhaps for the difference between the dates of my copy and the official copy.

590. Were you aware before that there was that difference in the dates between the two copies?—Certainly not.

591. Are you in the habit of writing *eighteen* in length, or do you write it in figures?—In figures always.

592. Is your figure of *eight* at all like a six, so that there could be a mistake in that respect?—I think the eight does in some measure resemble a six.

593. Have you a copy of the address which was presented to the Marquis of Hastings at Madras?—I have, it is as follows :

“ My Lord,

“ We, the European inhabitants of Madras, deeply impressed with a sense of the benefits conferred on the British Empire in India by the wisdom of your Lordship's councils, beg leave respectfully to offer these our cordial congratulations on the eminent success which has distinguished the measures of your Lordship's administration. Though remote from the immediate scene of your Lordship's splendid achievements, we have nevertheless viewed with profound interest the bold and honourable policy by which they have been guided ; and when we contemplate the situation of British India at the period your Lordship first assumed the reins of government, we cannot forbear expressing our admiration of the wisdom and energy which have conducted public affairs to their present unparalleled state of prosperity. Your Lordship found our territory invaded on one hand by a brave and hardy race of mountaineers, on the other menaced by a lawless host of rapacious freebooters, while the native independent princes evinced a disposition to take advantage of existing circumstances, and attempt measures hostile to our power. The repeated aggressions of the Government of Nepal proceeded to an extent that demanded the prompt application of the military resources of the State. To chastise an active and daring foe, intrenched in the fastnesses of a mountainous country nearly impervious to the usual mode of warfare, was an arduous and doubtful enterprise. The contest was novel and interesting, and our troops encountered an enemy worthy of their prowess ; but all obstacles vanished before your Lordship's well-concerted plans, and the struggle terminated in a treaty glorious to the British arms. The measures adopted by your Lordship to repel the destructive incursions of those predatory hordes, who for so many years desolated a considerable portion of our possessions, proclaim the same talent and energy by which the war in Nepal was conducted. The faithless policy pursued by some of our allies paved the way for great and beneficial changes. The late Marattah war ensued, and the perfidious conduct of the native princes met with merited punishment. It was a war of peculiar character, carried on against myriads of lawless and mercenary troops, whose wild discipline and wide-spreading desolation in vain attempted to evade the influence of scientific movements. It became in a moment a war with States ; but the heroes of Mahidpoor and Corygaum, Seetabuldy and Kirkee, gallantly asserted the British honor, and reaped unfading laurels. In the sieges of Hattrass and Asseerghur, conducted according to the strict rules of the art, success was secured by wise precautionary measures. Thus the strength of the enemy, which lay in their mountains, their swarms of freebooters, and their fortresses, opposed no permanent resistance to the efforts of disciplined valour. The state of licentious misrule which produced those migratory banditti no longer exists ; order is established, and vigour infused into every department of the State. The husbandman has joyfully resumed his labour, the great source of wealth and power ; confidence revives, and trade flourishes with renewed activity. The peasant reaps the fruit of his useful toil beneath the broad ægis of British power, and blesses the arm which sustains the shield under whose protection reposes the destiny of so many nations. The most accomplished statesmen, while they provide for the defence and security of the realm, neglect not to cherish the arts of peace. To cultivate the province of the human mind, to call forth its latent powers, and direct its energies to the improvement of society, to give a character and colour to the moral intelligence and spirit of the age, has justly been considered essential to the welfare of the political system. On agriculture, on arts and commerce, liberal knowledge exerts a powerful and permanent influence ; it adds to the resources of a people, while it increases their happiness, and is intimately connected with the vital interests of mankind. Your Lordship's attention to this important branch of legislature has not escaped our notice ; and the numerous institutions formed for the instruction of the native population, are illustrious monuments of British generosity, consecrated by the wisdom of your Lordship to the prosperity of the empire. While contemplating this important subject, it must have occurred that, to the attainment of truth, freedom of inquiry was essentially necessary ; that public opinion was the strongest support of just government, and that liberty of discussion served but to strengthen the hands of the Executive. Such freedom of discussion was the gift of a liberal and enlightened mind ; an invaluable and unequivocal expression of those sentiments evinced by the whole tenor of your Lordship's administration. Such are a few of the most prominent features of a government whose character and conduct form a brilliant era in the history of our country. At this particular period we are enabled to view the subject with

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peculiar advantage; we see clearly developed the springs of that able and intricate policy by which effects have been produced which must excite the admiration of posterity. We see the grand object of those operations which embraced so wide a field of action, and can duly appreciate the merit of those masterly combinations by which such glorious success has been commanded. We now contemplate in tranquillity that extensive coalition, directed by a crafty and deceitful policy, which has disappeared before our banners. The reign of peace is restored, security and justice established, and a gradual system of improvement introduced into every department, conducive to the happiness of society. In a word, when we look back to the period under review, we cannot fail to acknowledge that those stupendous projects, which led to such splendid and happy results, were conceived by a powerful and intrepid genius, carried into effect with consummate judgment, and concluded with unprecedented success. We entreat your Lordship to accept of this imperfect expression of our sentiments, and of assurance of our profound respect. That your Lordship may long continue to guide those councils, whose measures embellish the proud annals of our country's glory, is the earnest prayer of,

"My Lord, &c. &c. &c."

594. What was the next occasion on which the Government complained to you respecting your paper?—The next subject of communication between myself and Government was for asserting that the prospectus of the John Bull newspaper was sent free of postage; that was on the 3d of July 1821. With the permission of the Committee I will read that portion of the prospectus itself which particularly relates to the Calcutta Journal and its manager, and which induced me to mention it as a subject of complaint, that it had received the permission of the Government to be circulated free throughout the territories. It is as follows: "While the turbulence of faction serves to agitate and distract the public mind in Great Britain, by fomenting bitter and sanguinary animosities, and by dissolving every tie of social affection and public trust, it might be expected that her distant possessions would afford no field for the propagation of delusive doctrines, tending to shake the established order of things, by scattering the firebrands of discord and discontent around; yet, however strange it may appear to persons at a distance, the arts which distinguish the disaffected and seditious at home, in the public dissemination of their opinions, have been actively employed for some time to impose a false and degrading character on the Indian press, and to conjure grievances and wrongs into existence of which the peaceable and enlightened inhabitants of India had before no conception. These arts, indeed, have been largely detected and exposed; but it is not in the nature of faction to feel abashed by disgrace: detection only serves to increase its animosity; and exposure produces an enlargement of its exertions, for the purpose of obscuring the light of truth and of just policy, by the delusions of—extravagant sophistry. To such an extent has this inveterate hostility against the principles of social order and civil subordination been carried, that feelings of general and just indignation have been excited, and the application of an antidote, by the establishment of a strictly constitutional press, has been loudly called for. To meet this natural and generally expressed desire, and to afford ample opportunity for men of principle and talent to vindicate the most precious blessings of their birthright, a new paper has been projected, which it is the object of this address to introduce to the notice of the Indian public. The pretensions of John Bull could not perhaps be better expressed than by saying, that it shall endeavour to exhibit a marked contrast to the tone, temper, sentiments and doctrines of the Calcutta Journal. What it may be must be seen hereafter; what it shall not be may be told at once. It shall not seek a guilty profit, or a guiltier popularity, by reviling our holy religion, by libelling established authorities, by calumniating magistrates, and by insulting public decency, under the pretence of liberty, independence and free discussion. Under the cloak of these imposing names, the most seditious and inflammatory principles have been disseminated in India for two years past. Religion is insulted; the laws are defied; liberty is abused; and it is in defence of these that a call is now made on the free, the orderly and the pious, to unite, not merely their wishes, but their efforts. It would not become the editor to speak of his own means of contributing to this great object; but his motives have been fairly stated; and he trusts that those who approve his principles will concur, by their patronage and assistance, by their countenance and their talents, to establish the influence and extend the character of John Bull in the East."

595. Was that the part you complained of?—Yes. The whole prospectus of the John Bull, was circulated free of postage by the Government, in consequence of which it obtained much wider circulation than it would have been likely to have obtained otherwise.

596. How

596. How can you prove that it was circulated free of postage?—I received a communication from Government upon the subject, which admitted the fact that it was so circulated free of postage, but defended it upon the precedent of a free circulation having been given, two or three years before, to the prospectus of the Calcutta Journal.

597. In what form did the Government complain of your conduct on this occasion?—The proceedings appear in a public letter from Bengal, dated the 1st of October 1821.—[*The same was read. Vide Appendix.*]

(*Mr. Buckingham.*) It appears from that letter that the Government referred the paragraph which appeared in the Calcutta Journal, complaining of the free circulation of the John Bull, to the Advocate-general, to know whether he did not think it a fit subject for prosecution in the Supreme Court. He stated that, upon examining the paragraph, he did not conceive it to be libellous, and he dissuaded the Government from a prosecution; in consequence of which they chose the other mode of addressing a letter to me.

598. As the Committee have not that letter before them, can you state the purport of it?—The substance of the proceeding is given in another public letter; it is contained in the 110th and following paragraphs of a public letter from Bengal, dated October the 1st, 1821.—[*The same was read. Vide Appendix.*]

599. After your answer to the Government, what further measures were taken upon that complaint?—No further measures. I inferred, from the Government not having followed up this by any measure, that they were satisfied with the explanation I gave.

600. What was the next occasion on which the Government complained of your Journal?—The next occasion on which the Government complained was respecting a letter that was supposed to reflect upon the Bishop. The letter is dated June the 10th; it is published in the Calcutta Journal of the 10th of July 1821; and I beg to observe, that it had been announced for publication seven or eight days previously under the signature. The letter is headed "Duties of Chaplains," addressed

"To the Editor of the Calcutta Journal.

"Sir,

"I shall be obliged by any of your correspondents clearing up the following, for the benefit of your numerous subscribers at one of the largest military stations in India.

"I am, your's, &c.

"*A Churchman,*

"And the Friend of a Lady on her Death-bed."

"Western Provinces,

"Sunday, June 10, 1821."

"Can a military chaplain, fixed at a station where two King's regiments are posted, besides numerous other corps and departments, which might occupy two clergymen generally, and whose duties therefore, when alone, require his constant presence, absent himself from the station without leave from the commanding officer? At this sickly season his presence with the dying in hospital, and to inter the dead, sometimes six or eight per day, is urgently required, and cannot decently be dispensed with, independent of the impropriety of also interrupting the proper observance of the Sabbath for two or three Sundays successively, where so large a body of Christians are residing. It is asserted (and I conceive erroneously), that the chaplains have received orders from the Lord Bishop of Calcutta not to make themselves amenable to any military or other local authorities; and therefore, when a young couple at an out-post prefer going to the expense of making the clergyman travel 250 miles to go and marry them, he is at perfect liberty to accept the invitation, and to leave 3,000 other Christians, his own parishioners, to bury each other, and postpone all other Christian ordinances until his tour is completed, which in this instance occupies, I understand, more than three Sabbaths. In consequence of one of these ill-timed matrimonial requisitions in December last, the performance of Divine service, and other religious observances of the season, were entirely overlooked at Christmas, which passed by for some Sundays in succession, and Christmas-day included, wholly unobserved. It would appear, therefore, to be highly expedient that no military chaplain should have the option of quitting the duties of his station, from any misplaced power vested in him by the Lord Bishop, unless he can also obtain the express written permission of the local authorities on the spot to do so; and provided, in all such cases, the season is healthy, and no one dangerously ill; and that he shall unerringly return to the station before the Sunday following, that Divine service may never be omitted in consequence of such requisitions."

601. In what manner did the Government find fault with you for publishing that letter?—The Government first demanded the name of the author of the letter, on the ground that it contained insinuations that were extremely disrespectful to the

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Lord Bishop. The letter of the Government is dated the 14th of July.—[*The same was read. Vide Appendix.*]

602. What answer did you give to that letter?—The answer I gave to that is dated on the 16th of July, two days following.—[*The same was read. Vide Appendix.*]

603. What was the next communication of the Government to you?—The Government were not satisfied with this explanation. I beg to state, that the public letter states that that letter was written to me on the request of the Bishop, it not having struck the Government as offensive. The answer of the Government is dated the 17th of July 1823.—[*The same was read. Vide Appendix.*]

604. Did you make any reply to that letter?—I did; it is dated the 27th of July 1821.—[*The same was read. Vide Appendix.*]

605. What followed upon that?—I received a letter dated the 12th of August 1821, 14 days after my long letter went in.—[*The same was read. Vide Appendix.*]

606. After that letter on the 10th of August, did any other correspondence take place?—That was the close of that particular correspondence.

607. Did the Government take any other measures, subsequently to that letter, respecting that transaction?—None whatever.

608. What was the next occasion on which you received a complaint from the Government?—The next occasion on which complaint was made, with respect to a publication in the Calcutta Journal, was an alleged libel on the secretaries. That is already before the Committee. That being made the subject of prosecution by the Supreme Court, no communication was made to me by the Government upon the subject. That was on the 25th of October 1821. Then, on the 21st of November in the same year, there were proceedings instituted by criminal information, the result of which I have already stated.

609. What was the next occasion on which the Government complained of your conduct as editor?—The next is a letter in the Calcutta Journal of May the 16th, 1822. It is headed, "A Free Press; Brevet and Local Rank," and it is as follows:

"To the Editor of the Calcutta Journal.

"Sir,

"Were I to enumerate the benefits in small matters and great, which within the last three years (but particularly within the last one year) I know to have been done to the public service, by the free exposures and discussions which have taken place in the columns of your Journal, I should fill up more than the whole of your 'Asiatic Department' for at least a couple of days, and put to shame, if they have any, every one of the courtly well-fed tribe who have laboured to deprive the Indian world of that free press which is the greatest blessing that any rational people can enjoy. What abuses of power have already been checked by it! With what wholesome fear has it already inspired many hundred public servants, who were before under no fear of control whatever! What civility, what attention to business, what alacrity and regularity it has helped to introduce in many of the public offices! yea, what virtue, public spirit, emulation to excel in their different callings, has it not given to many, who never before considered a place or appointment with any other thought but how the most was speedily to be made of it! How much more has it done to stop foul play, and introduce improvements in bazaars, and in the administration of military justice, fining, flogging, taxing, cheating—how much more than all the orders you can pick and cull out of that valuable compilation, as clear as it is rich, the Bengal Code! Yes, Sir, I congratulate you most heartily on being, in a manner, the author of more improvements than all the laws and regulations that have yet been framed to improve things mendable. I congratulate the natives, from the bottom of my heart, at the good you have already done them; and I hope to see the time when it will no longer be in the power of those who are supposed to protect them from fraud and violence, to harass them even in legal courts, and under rules and regulations. That it still is so, and that the most trying evils may be and are too often experienced, under legal forms, where the sufferer has little hope of redress, I could furnish some examples to any one who doubts the fact. Respecting the brevet and local rank conferred, or rather said to be conferred, by Indian chiefs, such as the Nizam, Berar, Rajah, &c., upon British officers, I should be obliged to any of your well informed military correspondents to answer me the following questions. 1st, Who is it that makes captains, lieutenants, majors, and sometimes brigadier-generals, of captains in the service of these chiefs? Is it the chief, whom we are told from the best authority, has no power even over what are called his own troops; or is it the Governor-general, who is, *bonâ fide*, the chief lord and master of those kingdoms? 2d, If the Governor-general, as I suppose it must be, does he get the authority by Act of Parliament, or by order from the Court of Directors? Whether it be the Governor-general or the chief, why are these gentlemen not notified in public orders in the rank which they assume upon their visiting cards and in society? In Europe, whenever an officer is allowed by His Majesty to accept rank or honours of any kind from a foreign prince, it is duly notified in the Gazette. These certainly are little things, so are most

most things that hold society together; so are all your courtly ceremonies, very little things: but let me see the proud English Knight who will be thrust out of his place at a feast by a Knight of Malta or the Ionian Islands. Do not, then, let us expect an old captain or subaltern in the army to yield or give way to his inferior in rank, let him style himself what he deases, or dress himself in ever so imposing a staff uniform.

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"I am, Sir,
"A Military Friend,
"Neither a Mull nor a Gull."

"In the Deccan, 18 April 1822."

610. In what manner did the Government complain of that paragraph?—Government addressed a letter to me upon the subject, complaining of the insertion of the letter, and demanding the name of the writer. In my reply to that letter, I entreated permission of the Government to communicate with that individual; for although I had his authority to give his name up, it would be more grateful to my feelings, before doing so, to state to him that such a demand had been made. In reply to that, the Government stated that they could not compound with me, and that I must instantly give up the name of the author, or else I should be ordered to quit the country. Having the authority of the individual, when he sent the letter, to give up his name, I accordingly did so.

611. Did that close the transaction, as regards yourself?—The proceedings that arose out of that were, the writer, Colonel Robinson, was ordered instantly to leave his regiment and his station, and to proceed to England by way of Bombay, where he was tried by a court-martial; he was dismissed from all regiments and stations of honour and emolument, and sent home at a very wretched season of the year, and he soon after died.

612. Was there any other allegation against him, except that of being the author of this letter?—No other allegation that I know of.

MINUTES OF EVIDENCE.

1834.

Martis, 1^o die Julii, 1834.

EDWARD WILLIAM WYNN PENDARVES, ESQUIRE,

IN THE CHAIR.

James Silk Buckingham, Esq., M. P.; Examined.

*J. S. Buckingham,
Esq. M. P.*

1 July 1834.

1. WILL you give us what information you think necessary to make out your case?—Sir, feeling, as I do, the great importance of the question which is this day to be submitted to your decision, I feel also that I shall stand in need of all the indulgence which the Committee can extend to me while I lay before them the principal facts of the case. The issue of the decision will be to determine whether, for the future, I am to be consigned to an ignominious poverty, or whether I and all who are dependent on me for subsistence shall be restored to the enjoyment of those rights of property of which, I conceive, we have been most unjustly deprived. I say ignominious poverty, because, if it should be decided that I have received no greater punishment than my offence justly deserved, then must my conduct appear in a highly criminal light indeed to have merited so severe a sentence; whereas, should my property be again restored to me, it will re-establish my reputation as well as my fortune, by showing that it has been unjustly and undeservedly destroyed. The length of time that has elapsed since the wrongs of which I complain were first committed, has suffered a vast mass of prejudice to be accumulated against me. The disadvantages which every single individual must experience, in combating alone a wealthy and a powerful Company, have also been sustained by me in all their force. Nevertheless, whenever I have been asked, “How long do you mean to persevere in urging your claims?” My answer has invariably been, “As long as they remain unrecompensed, or as long as I have life to press them.” In pursuance of that solemn pledge I have, without shrinking or withdrawal, continued to urge them, in every form and on every fitting occasion, always against a host of obstacles, and always unsuccessfully, it is true, but more, I believe, from the defective composition of the tribunals before which they were brought for consideration than from any want of merit in the case itself. I rejoice, however, that the period has arrived, when a Committee of the House of Commons has been appointed to hear the evidence and pass their judgment on the case. I have the strongest confidence in their integrity and honour; and sitting, as they now do, in their judicial capacity, I feel assured that they will endeavour to discard from their minds all previous impressions received by them through any other source, and judge of the matters to be laid before them from the evidence to be adduced, and from that alone. In the belief that they will do this, I shall endeavour to treat the subject as calmly, as fairly, and as impartially as possible. In so doing, it will be necessary for me to retrace a very painful series of events, not for the sake of any pleasure which that recapitulation will afford me, for its retrospect can give me only pain, but as it is constantly alleged that my banishment from India was not the punishment of any one particular act, but of several preceding ones, and as it is as constantly said that the suppression of my Journal was not because of the particular offence alleged as the reason, but for its general tenour and character in all time past, it is essential to me to show what that tenour and character, and what those preceding articles were, that the Committee may have the whole before them, and judge of it accordingly. I will begin, therefore, with the beginning, and leave no portion of the case untouched or unexplained.

In

In the year 1813, being in the Mediterranean Sea, engaged in those maritime and mercantile pursuits which had formed the occupation of my previous life, I suffered very severe losses of fortune by the occurrence of the plague at Malta, and the disastrous effects on the commerce of that island which this calamity produced; and having visited Egypt, with a view to repair, by another maritime and mercantile undertaking, the losses adverted to, a proposal was there made to me that I should make a personal survey of the Red Sea, in order to ascertain its safety and practicability for mercantile vessels, and then proceed to Bombay to ascertain whether the merchants of that port would reciprocate the disposition which existed among the merchants of Egypt, to revive the ancient commerce which once existed between the two highly-favoured countries. To this proposal I readily acceded, all the habits of my former life fitting me for its execution. In pursuance of this mission, I accordingly went to India by way of the Red Sea, and arrived at Bombay in April 1815. During my stay there I had the good fortune to be cordially received by the principal inhabitants of the place, and to mingle with the first circles of society. The merchants, however, considering the matter too important to be decided upon hastily, required time to deliberate before they came to a final determination; and in the interim I received from a Mohammedan merchant of Bombay an appointment to the command of an Arab frigate, belonging to the Imaum of Muscat, an independent prince, with whom we were in amicable relations. I was employed in fitting out this ship for sea, when being called on by the East India Company's solicitor to say whether I had the Company's licence to reside in India, I replied in the negative, and gave as a reason for my not possessing it an account of my visit to Egypt, and embarkation there for India, not knowing that a licence was necessary to visit any portion of the British dominions, and consequently never seeking for that of which I was wholly uninformed. This explanation producing no change in the opinion of the Bombay Government, I was ordered to leave the country, when I applied for permission to go round to Bengal, and appeal to the Governor-general there, who had power to grant licences to individuals unprovided with them in England, until the pleasure of the Court of Directors at home should be known. This application was also rejected; and there seemed no hope of my being allowed to remain in India at all. An opportunity presenting itself, however, for my returning to Egypt, the country from which I came, the chief secretary to the government, Mr. Francis Warden, applied to the Governor, as a special favour, for permission for me to return by that route, which was at length acceded to. As the correspondence which took place on that subject is very brief, perhaps the Committee will allow me to read it. I will do so for the purpose of showing, that in the instance of my first removal from India, there was not only no offence imputed to me, but there was a voluntary testimony to the excellence of my character and pursuits pronounced by the Governor, Sir Evan Nepean, under circumstances that can leave no doubt of his sincerity, presenting therefore the most satisfactory proof that I was wholly innocent of any criminal act or intention, though the punishment inflicted on me was most severe, being no less than my arbitrary removal from the command of a frigate, in which the commander who succeeded me, a gentleman no better qualified, but only more fortunate than myself, realized in the short space of three voyages to China a fortune of 30,000 *l.* sterling.

The correspondence is as follows:

" To Sir *Evan Nepean*, Bart.

" My dear Sir Evan,

" As the Prince of Wales is proceeding to Mocha, I conclude there can be no objection to Mr. Buckingham being allowed to return to Egypt. He has concerns to settle there, and is desirous of returning home, as you have not allowed him to go *via* Bengal.

" Your's faithfully,

" *F. Warden.*"

" Bombay, 10 June 1815.

Sir Evan Nepean's Reply:

" Dear Warden,

" I can have no objection to Mr. Buckingham's return to England by the way of Mocha; he came hither, I understand, by that route.

" But I have an objection to the allowing him to go to Bengal or to any other part of India, having determined to discourage all attempts which may be made by persons to settle in India without the licence of the Company.

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"To the individual himself I have not the slightest degree of objection. On the contrary, he appeared to be a sensible, intelligent man; and I shall by no means be sorry to see him return with the Company's licence, believing, as I do, that he would be of use to the mercantile interests in opening the trade of the Red Sea.

"Your's, &c.

"E. Nepean."

In thus asserting his belief that I might be of use to the mercantile interests of India, in opening the trade of the Red Sea, the Governor was borne out by the fact, that the great object of my first and second stay in that country was to encourage the Pasha of Egypt to extend his intercourse with, and protection to, the mercantile interests of England; for which purpose I undertook to re-open the ancient canal between the Red Sea and the Mediterranean, and succeeded in obtaining a treaty of commerce, the three parties to which were, Mohamed Ali, as Viceroy of Egypt, on his own behalf, Mr. Peter Lea, the British Consul, on behalf of the merchants of Egypt, and myself on behalf of the merchants of India. That treaty was signed, sealed and ratified in due form; its purport was to give to British ships and British merchandize full protection, and reduced duties to the extent of one half of their former liabilities. The original of the treaty is in the possession of Sir Charles Forbes; and the advantages it conferred on the British trade in that quarter were undoubted.

After my return to Egypt, and the execution of this treaty, I set out with it by an over-land journey through Palestine, Mesopotamia and Persia to India, where I arrived a second time in 1816; and being no longer liable to transportation or banishment, as the Company's licence had been obtained for me in England, by the applications made on my behalf at home, I was reinstated in my command of the frigate from which I had been displaced, the Mohammedan merchant who acted as agent of her owner, the Imaum of Muscat, having felt the cruelty of my removal, and pledged his honour, if ever I returned to the country, to reinstate me in that command, and to make that a condition with whoever should fill my place in the interim. That pledge he most honourably redeemed; and accordingly I performed a long and circuitous voyage in this ship to Bussorah in the Euphrates, Bushere and Muscat in the Persian Gulf, and down the coast of Malabar, round Ceylon, up the coast of Coromandel, and thence onward to Bengal. It was in the month of June 1818 that I reached Calcutta, where I found orders awaiting me, directing the ship to proceed to the coast of Madagascar, for the purpose of giving convoy to some vessels conveying slaves to some part of the territories of the Imaum of Muscat, to whom the frigate belonged; but such was my hostility in principle to slavery in every shape, that though my command was then yielding me an income of 4,000*l.* a year, and though my predecessor had made a fortune of 30,000*l.* in three voyages, I resigned the command without a moment's hesitation, rather than ever indirectly give my countenance to a traffic which I abhorred.

This circumstance becoming known, made a great impression in my favour among the mercantile inhabitants of Calcutta; and accordingly soon afterwards I was applied to by Mr. John Palmer, then one of the wealthiest, as he is still one of the most highly respected, of all the merchants of India, to know whether I should be willing to undertake the editorship and management of a public journal. My first reply was in the negative, as I did not conceive that my previous occupations of a traveller by land and a voyager by sea, had sufficiently prepared me for such an undertaking. When the object of establishing such a journal came, however, to be explained to me, I was less reluctant to enter on the task. The state of the case was represented to me in these terms: there were then existing at Calcutta five or six different newspapers, each of which was conducted by an editor in the service of the Government, and wholly subject to its control; but while the Government interests were thus well protected and taken care of, there was no journal among all the number in which the merchants of the city could find admission for any communications calculated to call in question either the wisdom or the justice of any regulation, order or law affecting their own peculiar interests. It was believed, therefore, that a public journal conducted by an independent gentleman, neither in the service of the Government nor under any party control, would afford that medium of free discussion, and be greatly advantageous to the mercantile community in particular, and salutary even to the Government itself. Accordingly, perceiving it was rather independence than ability that was wanted, and believing myself to possess a fair portion of this, I ventured to undertake the task. The

capital

capital necessary for the purchase of the copyright of two existing papers, of very low circulation, out of which this new journal was to spring, was 30,000 rupees, or upwards of 3,000 £ sterling, and this was advanced by 30 gentlemen, in sums of 1,000 rupees each, to effect the purchase. The paper then appeared, the first number being issued on the 1st of October 1818; and such was the attraction it possessed for the Indian community, that in the short space of three months its returns of profit were sufficient to enable me to repay the whole of the 30,000 rupees advanced, and leave a surplus beyond that in my possession. I am now speaking, I believe, in the presence of some honourable Members who are very well acquainted with the nature of newspaper property; and knowing as they do the immense cost, labour and time requisite to establish a public journal up to the point of even paying its own expenses, I think I may challenge contradiction when I say in their presence, that I believe the history of newspapers throughout the world presents no parallel instance of a success at once so rapid, so solid and so brilliant. I lay the greater stress on this prosperity because, taken in connexion with the nature of the community in which it happened, it is the best possible evidence of the good conduct of the paper itself.

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Esq. M.P.

1 July 1834.

The Committee will perhaps allow me to explain to them, that in India the leaders of newspapers published in the English language consist entirely of well-educated gentlemen: the officers of the East India Company's civil and military service, the judges, barristers and solicitors of the King's courts, and the wealthy merchants, bankers and agents of the city; these are the only English persons resident there in any large number. There are few English shopkeepers, and no English artisans or labourers; there are therefore no middle or lower classes, but all, or at least with very trifling exceptions, are well-educated English gentry. Such was the state of society in Calcutta when my Journal first appeared, and such it continued to the end of its career. In addition to this, the readers of the Journal were all by habit and interest loyal, attached to existing institutions, and the farthest possible from what might be called an inflammable or easily excited community. Of the natives of India there were not 20, certainly, who were habitual readers of my paper; first, from its great expense, each copy of the paper costing a rupee, or upwards of 2s. sterling; and next, from not being sufficiently acquainted with the language, nor interested in the political and literary topics of which it treated. Moreover I was, during all the time, in the habit of visiting daily with the principal families of Calcutta, dined at the Governor-general's table, and was admitted into the domestic circle of persons of the highest rank. The paper was published in my own name; every one knew me to be the editor; and seeing that my only readers were persons of station and intelligence, attached to the existing state of things, and that my own position in society brought me into constant intercourse with all parties, I leave the Committee to judge whether I had not every motive of interest and pleasure that could possibly actuate a man to shape his writings in such a way as should give general satisfaction. That this was really done, I think I need adduce no other proof than the brilliant and unparalleled success of the paper, which being read by the parties described, became so generally sought after, and approved, that it was to be seen on the table of almost every English family in India.

At length an article appeared in it, which became an object of censure from the Government; and as this was the first article that was complained of, I hope the Committee will allow me to state its history. A letter was sent me from Madras in mourning paper, conveying the intelligence adverted to in the paragraph itself, and accompanied with the expressions there repeated, the sum and substance of which was, that the continuance of Mr. Elliott in office as Governor of Madras was regarded in that presidency as a public calamity. The expression, I admit, was a very strong one, and perhaps ought not to have been repeated; though we all know quite well that men may safely say here, that the continuance in office of my Lord Grey, or the accession of the Duke of Wellington, may be regarded as a blessing or a calamity, according to the views entertained by the party using the expression; and yet that no great evil would follow the use of such terms. That there may be no misconception, however, with respect to the article complained of, I will read it to the Committee entire. It is as follows:

"*Madras.*—We have received a letter from Madras of the 10th instant, written on deep black-edged mourning post, of considerable breadth, and apparently made for the occasion, communicating, as a piece of melancholy and afflicting intelligence, the fact of Mr. Elliott's

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being confirmed in the government of that presidency for three years longer. It is regarded at Madras as a public calamity, and we fear it will be viewed in no other light through India generally. An anecdote is mentioned in the same letter regarding the exercise of the censorship of the press, which is worthy of being recorded as a fact illustrative of the callosity to which the human heart may arrive, and it may be useful, humiliating as it is to the pride of our species, to show what men, by giving loose to the principles of despotism over their fellows, may at length arrive at. It will be in the recollection of our readers, that a very beautiful and pathetic letter from the late lamented Princess Charlotte to her mother, written just previous to her death, was printed in the Calcutta Journal about a month ago. This was much admired at Madras, as it had been here, and the editors of the public prints there, very laudably desiring to add every interest to their columns, had inserted this letter, but it was struck out by the pen of the censor (whom the public of course exonerate, since it is known by all to whom it is necessarily directed), and the only reason that could be assigned for its suppression was, that it placed the character of the Princess Charlotte, and her attachment to her mother, in too amiable a light, and tended to criminate by inference those who were accessory to their unnatural separation, of which party the friends of the director of the censor of the press unfortunately were."

It is worthy of remark, that this article appeared in the Calcutta Journal on the 26th of May 1819, and was therefore the first article complained of ever since the paper had been established, which was nearly eight months. It is equally worthy of remark, that even this was not complained of till nearly a month after it was published. The truth is, that the Government of Bengal saw nothing offensive in it, or at least not sufficient to induce them to complain of its appearance at all; but the article having excited the displeasure of the Governor of Madras, where the press was under a severe censorship, he, Mr. Elliott, himself complained of it to the Governor-general of Bengal, who then, for the first time, made it the subject of remonstrance. Accompanying this letter of remonstrance also was sent to me a copy of the regulations established for the conduct of editors of newspapers, which were then, for the first time, officially brought to my notice. For myself I can declare, most solemnly, that when I first undertook the editorship of the Calcutta Journal, I believed the press of India to be as free as the press of England, that is, relieved from a previous censorship, and subject to no other restraint than responsibility to the laws of the country, after trial by jury. I heard every one speaking of Lord Hastings's magnificent act in removing the censorship; I heard nothing of any substitutes proposed; I saw around me every day the greatest freedom of comment and stricture on the various topics discussed; and I never apprehended the least injury to myself or others from expressing myself as freely in India as any man might do elsewhere. The circular containing the "Regulations," as they were called, was issued in August 1819, just two months before the Calcutta Journal was established; my paper was not, therefore, in existence when it was first sent out, nor had any copy been sent to me since; the editors did not make them public, as they were a badge of degradation on the press; and the reason for their being issued at all is so curious as to deserve mention. It appears that, from the time of Lord Wellesley up to that of Lord Hastings, the practice had been for the chief secretary to Government to act as a censor of the press, when every editor of a newspaper was obliged to send his proof sheets to the secretary's office, to be read through before they could be printed, and he was compelled to omit every thing which the secretary might strike out, without any reason being assigned. This censorship was never established by law; but the manner in which it was made binding on English editors was this, that if they should refuse to comply with it, their licences to reside in India would be taken away, and they might then be sent out of the country. The dread of this punishment was more powerful than any law could be; and therefore no English editors resisted it. It came soon to be discovered, however, that no such threats could be applied to an Indian-born editor, because, as no licence of residence was necessary for him, he could not be banished for not possessing it, and there was no other way in which an evasion of the censorship could be punished; accordingly, an Indian-born gentleman having set up a paper of his own, he refused to submit to the censorship, and there was no remedy for the evil. Lord Hastings, perceiving this, though it of course extremely unjust, not to say absurd, that the ill-educated and discontented Hindoo-British or half-caste population, as they are called (being the mixed race of half British and half Indian blood, and generally the progeny of English fathers and Hindoo mothers), should possess an exemption from the censorship, while the well-educated and complete English gentleman should be subject to that restriction; he accordingly took off the censorship entirely from both, and pro-

claimed

claimed the Indian press to be free; but as the Members of his Council were elderly gentlemen, brought up in all the prejudices of the despotic system, and thought very differently from Lord Hastings himself, who brought out to India all the freshness and freedom of an English nobleman attached to the best part of the British constitution; and as the India Directors at home would be likely also to think very differently about the safety of a free press to India; so, for the joint sakes, and to satisfy the scruples, of those two antagonist parties, it was thought necessary to calm their apprehensions, by issuing the Regulations in question, which were as follows:

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" To the Editors of Newspapers.

" Sir,

" His Excellency the Governor-general in Council having been pleased to revise the existing Regulations regarding the control exercised by the Government over the newspapers, I am directed to communicate to you, for your information and guidance, the following resolutions passed by his Lordship in Council. The editors of newspapers are prohibited from publishing any matter coming under the following heads:

" 1st. Animadversions on the measures and proceedings of the Honourable Court of Directors, or other public authorities in England connected with the Government of India, or disquisitions on political transactions of the local administration, or offensive remarks levelled at the public conduct of the members of the Council, of the judges of the Supreme Court, or of the Lord Bishop of Calcutta.

" 2d. Discussions having a tendency to create alarm or suspicion among the native population of any intended interference with their religious opinions or observances.

" 3d. The re-publication from English or other newspapers of passages coming under any of the above heads, or otherwise calculated to affect the British power or reputation in India.

" 4th. Private scandal and personal remarks on individuals tending to excite dissension in society.

" Relying on the prudence and discretion of the editors for the careful observance of these rules, the Governor-general is pleased to dispense with their submitting their papers to the officer of Government previous to publication. The editors will, however, be held personally accountable for whatever they may publish in contravention of the rules now communicated, or which may be otherwise at variance with the general principles of British law, as established in this country, and will be proceeded against in such manner as the Governor-general in Council may deem applicable to the nature of the offence, for any deviation from them.

" The editors are further required to lodge in the chief secretary's office one copy of every newspaper, periodical or extra, published by them respectively.

" I have, &c.

" Council Chamber, }
19 August 1818. }

(signed) " J. Adam,
" Chief Secretary to the Government."

The Committee will have the goodness to remember, that these regulations were wholly of a private nature; they possessed no force of law, since the Act of Parliament granting the charter of the East India Company, provides that all rules and regulations, before they can acquire the force of law, shall be registered in the King's courts by His Majesty's judges, and be in strict conformity with the laws of England, which every one must perceive at a glance that these regulations were not; for if they were strictly followed, there would be scarcely any topic of public interest on which any discussions could take place, the regulations exempting from comment all public acts of public authorities either in India or England, and all private opinions entertained by private individuals; for even these could scarcely be called in question without having a tendency in some degree to excite dissensions in society. Nevertheless, such was my desire to conform in every respect to the wishes of the Government whenever this was clearly known, that I made no scruple to express my regret that the article complained of had been printed, and promised to make those regulations of the press, now for the first time brought to my notice, the guide of my editorial conduct for the future. Thus then ended this first offence complained of, which was atoned for and set at rest by the answer described. Meanwhile, however, I saw those regulations violated by all the other newspapers of the presidency every day; some breaking one, and some departing from another of the stipulations enjoined, and acting with perfect impunity, and without any remonstrance, public or private, as far as I could learn.

At length an event occurred which gave an entire change to the view taken of the Indian press by almost all parties; I mean both those who were hostile and those who were favourable to its introduction into India. The event was this: the

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ensorship existing at Madras, after it had been removed at Calcutta, made the British resident at that presidency feel great dissatisfaction against Mr. Elliott, then Governor of that presidency, and this dissatisfaction was the cause of the paragraph representing his continuance in office as a public calamity, already adverted to. Accordingly when the British inhabitants of Calcutta had set them the example of holding a public meeting to vote an address of congratulation and praise to Lord Hastings, they also assembled at Madras for the same purpose, and the praise of his Lordship for his removal of all restraint from the press, was the principal topic of eulogy. The meeting at Madras was attended by some of the principal persons of that settlement, though the proceedings of the meeting were not allowed to be published there, as the censor was the chief secretary; he considering, no doubt, that praising Lord Hastings for removing the censorship in Bengal was indirectly censuring Mr. Elliott for still retaining it at Madras. Private copies of the proceedings were forwarded to Calcutta, however, for publication, and from these I will make only two extracts, the one from the speech of the East India Company's Advocate-general, an officer corresponding with the Attorney-general in England, and the other from the speech of Mr. Staveley, an eminent barrister of the King's court.

" Extract from the Speech of Sir Samuel Toller, Advocate-general at Madras.

" The wisest political arrangements have been made for the public safety, and to prevent the recurrence of those dreadful scenes. The Governor-general, in his answer to the address of the inhabitants of Calcutta, has, with a manly frankness, developed the motives of his policy, and has appealed to the public mind for its rectitude, and I am persuaded that he has not appealed in vain. A government, when conducted with wisdom and patriotism, has nothing to conceal. It is involved in no mysteries; the clearer and the stronger the light in which its principles and proceedings are presented to the public eye, the more it will be applauded (hear, hear)."

" Extract from the Speech of Mr. Staveley, Barrister-at-law.

" To all that has fallen from my honourable friend who has just sat down, I give my full assent, and add my voice to his in commendation of that freedom, than which, in my opinion, a greater blessing cannot be bestowed upon an Eastern empire. And, Sir, I know no law, no reason, no policy, why it should not be enjoyed to its fullest extent. I say, Sir, I know no law. There is none upon your statute book which restrains the liberty of the Indian press. I speak in the hearing of those who will correct me, if I am wrong. I know no regulation; and they are present who can set me right if I am in error. That there is no reason in such restraint, my honourable friend who has preceded me has shown you fully; that there is no policy in it, I will prove to you before I finish (hear hear).

" Of what nature is your empire here, and how is it maintained? Ask your legislators of both houses, who have made your laws to govern it; ask your directors, ask the public meetings of your proprietors; ask your statesmen, who have written and poured forth their eloquence in its praise, and one and all, in one and the same words, will answer you, ' Our empire in the East is an empire of opinion; it is not, and never can be, an empire of force. An empire of opinion, and that opinion not free! A kingdom erected upon thought, and men not free to think! It is an absurdity in language as well as fact, which needs but to be stated to carry its own refutation with it. If, indeed, you will admit that your reign is a reign of force, that your dominion is a dominion by compulsion, I can have no hesitation to admit you have some excuse for the enslavement of the mind and the restriction of thought; but if, as you desire, you would maintain your rule upon the proofs of your superior genius and your excellence above all other nations, and above all over those you govern; if you desire to reign within the hearts of your subjects, and govern by their affections, you must free their thought from restriction, and the expression of it from restraint. For what improves intellect, but the collision of mind; and what reconciles the mind to its rulers, but the proof that its rulers are occupied for its good; and how shall this be known if the great avenues of knowledge are closed up?

" The art of printing has been eulogized as the greatest blessing which has ever been bestowed upon mankind, and we have been the introducers of this blessing to the East. But, Sir, while you confer a blessing on your people, is it wisdom to clog that blessing with a curse? A free and unfettered press is indeed a blessing to mankind; but a fettered press, in the hands of a despotic monarch, as my honourable friend has told us truly, may become one of the greatest scourges with which the hand of power can be armed; one of the most dreadful engines of torture with which it can rack the mind.

" And what are the arguments which they would oppose to persuade us it is unwise? That our power would be endangered? Sir, that argument was used against throwing open our trade; but has that measure at all weakened us? Endangered? and by whom? But is nothing else still more endangered by restriction? Regicide France has tried, and in her Emperor we may read the fate of such control. He restrained the press, and interdicted it from all political discussion; he suppressed all truth, and bid it lie and flutter; daily, at his bidding, it vomited forth his slanders and falsehoods measureless; and at what price did he

buy

buy the privilege to do all this? The morals of his people formed no portion of his care; religion formed no part of his scheme of government; he knew that the press dammed up must burst out somewhere, so he abandoned morality to profligates, and religion to the care of atheism. And are we prepared to purchase restriction at such a price? It is not so that I have been taught at home. The morality of our forefathers was as carefully fenced round as their freedom, and their religion was dearer to them than both. And it is our serious business here, in a foreign land, to maintain our country's character for the one, and exhibit the purity of the other, exceeding that of any other people of the earth."

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These were the sentiments of two of the most eminent lawyers then at Madras, and they were responded to by nearly the whole of the British community in India. The address which was prepared at this meeting was most numerous and respectably signed, by officers of the highest rank in every branch of the public service: and in order to give to its presentation the greatest *eclat* by which it could be surrounded, a deputation was formed at Madras, of which Major Blacken was put at the head, to undertake a voyage of many hundred miles, and to convey this address to Calcutta, to present it in person to the Governor-general. The British inhabitants of Calcutta feeling also as deep an interest in the question as the people of Madras, attended in large numbers on the day of its presentation, namely, the 24th of July 1819. The Governor-general appeared in state in the Great-hall of Audience at the Palace in Calcutta; all the heads of all the public departments in Bengal were present; many of the principal natives of rank and opulence were invited to attend; the whole of the British society in Calcutta, to the extent perhaps of 2,000 persons, were present on the occasion. I was myself among the number, and saw and heard all that passed at this meeting, one of the most solemn and imposing, and I may add, one of the most cheering and impressive, that I ever remember to have witnessed either in India or elsewhere. After the usual formalities of introduction and congratulation had been exchanged, the Address from Madras was read at length by Major Blacken; but I content myself with reading to the Committee this short extract, relating to the freedom of the Indian press:

"Extract from the Address of the British Inhabitants of Madras, 24th July 1810:

"The most accomplished statesmen, while they provide for the defence and security of the realm, neglect not to cherish the arts of peace. To cultivate the province of the human mind, to call forth its latent powers, and direct its energies to the improvement of society, to give a character and colour to the morals, intelligence and spirit of the age, has justly been considered essential to the welfare of the political system. On agriculture, arts and commerce, liberal knowledge exerts a powerful and permanent influence; it adds to the resources of a people, while it increases their happiness, and is intimately connected with the vital interests of mankind. Your Lordship's attention to this important branch of legislation has not escaped our notice; and the numerous institutions formed for the instruction of the native population are illustrious monuments of British generosity, consecrated by the wisdom of your Lordship to the prosperity of the empire.

"While contemplating this important subject, it must have occurred, that to the attainment of truth, freedom of inquiry was essentially necessary; that public opinion was the strongest support of just government, and that liberty of discussion served but to strengthen the hands of the Executive. Such freedom of discussion was the gift of a liberal and enlightened mind; an invaluable and unequivocal expression of those sentiments evinced by the whole tenor of your Lordship's administration."

"Extract from the Speech of Lord Hastings, in reply to this Address:

"You have observed my exertions to diffuse instruction through the extensive region with which we had become thus suddenly intimate. I cannot take credit for more than the having followed the impulse communicated by every British voice around me. Yes, we all similarly confessed the sacred obligation towards a bounteous Providence, of striving to impart to the immense population under our protection the improvement of intellect which we felt to be our own most dignified and valuable possession.

"One topic remains. My removal of restrictions from the press has been mentioned in laudatory language: I might easily have adopted that procedure without any length of cautious consideration, from my habit of regarding the freedom of publication as a natural right of my fellow subjects, to be narrowed only by special and urgent cause assigned. The seeing no direct necessity for these invidious shackles might have sufficed to make me break them. I know myself, however, to have been guided in the step by a positive and well-weighed policy. If our motives of action are worthy, it must be wise to render them intelligible throughout an empire, our hold on which is opinion.

"Further, it is salutary for supreme authority, even when its intentions are most pure, to look to the control of public scrutiny. While conscious of its rectitude, that authority can lose nothing of its strength by its exposure to general comment; on the contrary, it acquires

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incalculable addition of force. That government which has nothing to disguise, wields the most powerful instrument that can appertain to sovereign rule. It carries with it the united reliance and effort of the whole mass of the governed. And let the triumph of our beloved country, in its awful contest with tyrant-ridden France, speak the value of a spirit to be found only in men accustomed to indulge and express their honest sentiments."

Here, then, was an open, public, formal and solemn declaration, made by the supreme head of the Indian Government, that he saw "no direct necessity for those invidious shackles" on the press in India, which he had not only broken, but assigned his reasons for so doing; and as this was at least of equal value, in point of law, with the circular already given, for both were without the formality required for making them legal authorities, as neither of them had been passed through the King's court, as the speech was posterior to the circular by a whole year in point of date, and as it was proclaimed with all the pomp and solemnity that could accompany any public act, I myself considered, and all around me concurred in the accuracy of the impression, that by this very act the regulations contained in the circular were virtually abrogated; for as both could not be observed, in any doubtful case, the highest, the most public, and the most recent exposition of the Governor-general's views, ought to be that which should be attended to.

The effect of all this was to give a sanction to, and, if I may so express myself, to shed a lustre around every thing connected with the freedom of discussion for a considerable period of time, during which the Calcutta Journal, which was most in harmony with the Governor-general's views, prospered exceedingly; and such was the intense desire to possess it, even at the most distant stations, that the largest sacrifices were made by individuals to obtain it. I should explain to the Committee, that in India newspapers are published without being stamped, but all copies sent by the post-office into the interior are charged with a postage proportionate to the weight, and to the distance they have to travel. In some instances they were so heavy on the Calcutta Journal, as to make it cost five or six rupees, that is 10 s. or 12 s. sterling for a single copy of the paper, the first cost and postage to a very distant station being included. It having occurred to me, that this expense must materially contribute to check its circulation at the distant stations, I resolved, if possible, to equalize this charge over all India, by offering the Government a good round sum in lieu of postage, and having my papers stamped to go post-free. I accordingly had an estimate made of the postage paid by me on the covers dispatched from Calcutta (where the postage had always to be paid in advance), and found it amounted to about 30,000 rupees, or 3,000 l. sterling per annum. I accordingly offered the Government an advance upon this sum of about one fourth, making it about 4,000 l. a year, on condition of my papers being franked to all parts of India by the post-office stamp, as "full paid." The *bonus* I offered to the Government being the advance of 1,000 l. a year beyond the sum actually paid to them before; the advantage I expected to myself, being a large increase of circulation by the extension of the post-paid papers to the most distant parts of India. The result answered my most sanguine expectations, and my hopes were far exceeded. This arrangement commenced on the 27th of August 1819; and the Committee will perceive from the printed evidence of Mr. Trant, who was then in office in India, and who being a member of the Committee of 1826, was examined on that point, that he confirmed the fact, as falling within his own knowledge, both as to the period of the contract and its money amount. This evidence will be found at page 14 of the printed Minutes now in the Members' hands. This arrangement too continued undisturbed by any party for several months, up indeed to January 1820, when some articles appearing in the Journal which were not agreeable to the Government of Madras, they for the first time ordered the Calcutta Journal to be stopped at Ganjam, the frontier town or station where the Madras jurisdiction commences, though the papers were all marked "full paid" at Calcutta, by virtue of the contract described, and the full postage was actually paid; yet every cover was again charged from Ganjam to all the territories beyond it, and sometimes they reached the distant subscribers charged with four or five rupees, that is 8 s. or 10 s. per cover, and sometimes they were sent back to me, bearing double postage all the way, thus producing the double injury to me of cutting off all my subscribers beyond a certain distance, to secure whom was the great object of the large sum of money paid, 4,000 l. a year, and accumulating upon me by every post a large number of papers, which were either obliged to be taken back, or their postage charged against me in account. In the bitterness of disappointment which
such

such aggravated wrong might well inspire, I might perhaps have been forgiven if I had expressed myself both warmly and indignantly against the authors of so much wrong. But the notice which I published in my paper was, as I think the Committee will see, when I read it, as mild as could be well expressed; though it drew down the severe remonstrance of the Government, as if it had been an article of the most atrocious kind. The following is the notice in question.

*J. S. Buckingham,
Esq. M.P.*

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"To Subscribers under the Madras Presidency.

"Our Madras friends are already aware of the measures which have been taken to impede the circulation of this Journal through their presidency, and will have already formed, no doubt, a correct opinion as to the motives in which these measures originated; as, however, we find our desire to extend its circulation through their territories rise in proportion to the weight and authority that has been opposed to it, we have determined to make any sacrifice rather than suffer our friends in that quarter to be deprived of seeing now and then discussions on topics which they are not likely to touch on in other Indian prints. The Journal therefore will be supplied as usual at 20 rupees per month at those stations which it may reach without having to pass through the hands of a postmaster, who may levy a tax on it by order of the Madras Government; and such as pass through Ganjam, on their way, where the additional impost of Madras postage must be paid, will be supplied at 10 rupees per month, the price at which it is delivered to subscribers in Calcutta, by which means we shall suffer an actual loss of so much of the postage as is paid by us for the free passage of the paper as far as Ganjam, and thus be paying about 16 rupees per month for what we shall receive back only 10, making the overplus a premium to our Madras subscribers for their patronage of free discussion, which we hope to see made subservient to the great end of public good for which alone it was granted to us. The measures of the Madras Government, in refusing to let the paper pass free beyond Ganjam, though marked 'full paid' at the post-office here, and placed on the same footing as post-paid letters which go free to their destination without any impediment, have already occasioned us a considerable loss, in refunding the postage exacted from our subscribers in that presidency, which had been already acknowledged to be 'full paid' here, though this measure has brought us an increase of numbers from that quarter. The sacrifice we now propose will be, it is true, an addition to such pecuniary loss, but it will be at least a voluntary one; and we trust that the dissemination of sound principles in politics, and free inquiry on all topics of great public interest, will meet no check by this means, but that the triumph of liberality over its opposite quality will be full and complete, whatever obstacles may be opposed to it, or in whatever quarter such opposition may arise."

This harmless article was complained of by the Government of Bengal, in terms of unmeasured severity; and after a letter of the strongest reproof, I was called upon by the Government of Bengal to prepare forthwith "a full and ample apology to the Government of Madras, to send the draft of such apology within three days' date to the office of the chief secretary, to be by him approved or rejected, and when framed as he thought necessary, to publish it in my own Journal." (See Appendix II., pages 8 & 9.) On this I deliberated with all the care I could, and came to what I conceived a just conclusion. The facts were undoubted, that I had been doubly wronged by the Government of Madras in the way described, and I felt that I could not honestly and conscientiously apologize for what I was not persuaded was wrong. I accordingly wrote a long letter of justification, in which I showed by evidence that I was right, and on which, therefore, I respectfully, but firmly, declined making any apology in the terms prescribed, though I had no objection to express my regret at the remarks having given pain to any one.

The Committee will, no doubt, be anxious to know what was the result of this refusal to make the apology demanded; and I will satisfy their curiosity, by showing them that my facts were so undoubted, and my reasoning so well founded, that the Government gave way, and confessed themselves in the wrong by endeavouring to show, that the Bengal postmaster had not rightly understood their instructions respecting the contract, and by waving the demand for the apology in the terms just described, concluding with this paragraph:

"That your attention to those rules (established for the press) has not been more strictly enforced, may be a subject of joint blame to the officer whose duty it more especially was to bring to the notice of the Government any flagrant violation of those rules; but with every allowance which can be made in your favour, from a consideration whether of this circumstance or of the misconstruction which the late postmaster-general was led to put on the orders of Government, or of the disappointment which you may have experienced, and of the consequent irritation of feeling towards the supposed authors of that disappointment, his Lordship in Council thinks it indispensably requisite that a public acknowledgment should be made, in the manner pointed out in my letter of the 12th instant. It is not his

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Lordship's desire that the acknowledgment should be worded in the terms which he would have judged necessary previously to the consideration of your letters, but he expects from you an early expression in the *Calcutta Journal* of your regret at having published observations so carelessly worded, as to bear the appearance of disrespectful animadversion on the Government of Madras. His Lordship in Council is led to infer that you had no real intention of offering such disrespect, from the perusal of an article in your paper of the 10th instant, recently brought to his notice, and that persuasion has principally influenced the tone of the present communication. The date of that publication, which was anterior to the date of my first letter, proves the sincerity of the explanation given in your second letter to me."—*Vide Appendix II., pages 15 & 16.*

Accordingly a short letter was prepared by me, addressed to the Governor-general of Bengal, to be sent by him to the Madras Government, which, after recapitulating most of the circumstances of this case, ended with this paragraph :

"I beg to repeat here the expression of my regret at the many apparent misconceptions in the post-office department of both these presidencies, which have occasioned me much serious and irreparable loss, and which rendered a public explanation of them necessary, as well as a still greater regret that anything I should have said on this subject should have given pain to his Excellency the Governor-general in Council, or to any branch of the Honourable Company's Government in India. My principal object in the 'Notice to Subscribers under the Madras Presidency,' having been to apprize them of the arrangements which I had made to counteract an evil from which we had both experienced very serious inconvenience."

Thus then was terminated a case in which the injury inflicted on me was immense, and for which I never obtained restitution or redress ; and that this was not for the mere fact of paying the postage in Calcutta instead of at Madras, may be inferred from the fact that the papers had been suffered to pass for several months uninterrupted under this very system ; that no other letters or papers, marked "full paid" at Calcutta, were ever before, or even at the same time, arrested in their progress, or over-charged when carried forward ; and that, therefore, the political freedom of the *Calcutta Journal* could have been the only cause of its circulation being attempted to be stopped, in the manner and under the circumstances described.

With respect to the long letter of justification and reasoning sent in to the Government of Bengal, preceding the shorter one sent to Madras, this will perhaps be the proper place for me to advert to some variations between the letter printed by me in Calcutta subsequently to the close of the correspondence, and the actual letter sent in to the Governor-general there. The facts of the case are these. During the sitting of the Committee of 1826, a letter was read by me in evidence, on the subject last spoken of, and on comparing this with the letter furnished by the India House, it appeared that my copy contained several paragraphs, to the number of eight or ten, which were not found in the India House copy. My own impression at the time was, that the omissions in this copy were suppressions ; and when I was asked whether I did not recollect having made any alterations in the letter sent in to the Bengal Government after my original draft, I answered that I did not ; but on the contrary, I felt quite sure that I had not done so. I was then asked, how I accounted for the discrepancy between the numbering of the paragraphs in my own letter, and the references to these paragraphs in the reply. To which my answer was, that this discrepancy had been observed even in Calcutta ; for in a collection of the correspondence published there, in a small pamphlet, of which 500 copies were printed for circulation in that presidency, the fact was pointed out, in a note at the foot of the page, which showed at least my good faith, both then and now ; for this collection was printed and circulated under the inspection of the Government, and no one then seemed conscious, any more than myself, of any variations beyond those which seemed to be indicated by the different numberings of the paragraphs. My own printed version of the letter sent in to the Government is just the very reverse, however, of a suppression or mutilation ; for it gives several paragraphs which certainly were contained in the original draft from which the printed edition was made ; but which paragraphs, for some reasons not now remembered, either perhaps because they were thought to add too much to the length of the letter, or to be repetitions of what had been already said, were omitted in the fair copy sent in. If the letter presented to the Government had contained passages not to be found in my printed version, then, indeed, a suspicion might have rested on me of having wilfully suppressed what did not appear. But the case is just exactly the reverse. My original draft contained some paragraphs which were omitted in the copy sent in to the Government ; but instead of keeping back anything, I have printed the whole

whole that the original draft contained, the omitted paragraphs and all, my memory having failed me, however, in my recollection of such omissions at the time, and my belief then being that no such omissions had taken place. If the whole of these are examined, however, it will be found that whether they were all in the letter sent to the Government, or all omitted, they would not affect the merits of the case in the slightest degree, nor alter any single view of the question. They may be considered as mere surplusage, and were no doubt on that account omitted; but their production in the printed copy leaves nothing unknown, and is far better than if they had not appeared at all. For myself, indeed, I should not have attached any importance to it whatever, were it not that I have heard importance is attached to it in other quarters, and, therefore, I was desirous of setting the matter right with the Committee, that it may be fairly understood, if it should be brought forward hereafter.

On the 29th of February 1820 there appeared in the Calcutta Journal a letter, sent to the paper by Lieutenant John Smith, of the Madras cavalry, pointing out the fact, that the mode in which the troops were paid at Najpore and Hyderabad occasioned considerable loss to them in the exchange of the rupee. The author having sent his name for the information of Government, if it should be asked for, it was given up at their request, the evil was remedied, and the utility of the discussion proved by this very act.

I come now, however, to another era in the history of the Indian press; it was that in which the Government, sick and wearied, as it would seem, of this long correspondence, which almost always terminates to their disadvantage, by showing them to be in the wrong, determined to proceed by law against all offences that should in future be committed against them through that medium; and this was the occasion that led to that change. A letter was addressed to the Calcutta Journal, signed "*Æmulus*," which gave it as the opinion of the writer, that in the Indian army merit had little to do with promotion, but that whoever had interest might be sure of getting appointments on the staff. This letter was printed; but so different were the opinions entertained by myself on the subject, that on the very day following its appearance, I wrote a long article in my own paper, to show that the writer was wrong. It was nevertheless subjected to a legal prosecution; and the Advocate-general, Mr. Spankie, having commenced proceedings, some friends obtained access to the Government, and succeeded in convincing the Governor-general that, as I had no participation in the sentiments of the writer, but gave them as the mere opinions of a correspondent from whom I entirely differed, it would not be wise to pursue the prosecution to a close. A correspondence followed, which ended in this: that on condition of my instructing my counsel not to oppose the rule for an information being filed against me in court, and expressing my regret at the publication of the letter, the prosecution should be withdrawn, which was accordingly done, and thus terminated the affair.

About this period another letter, headed "Military Monopoly," and disclosing some unfair transactions in the sale of officers' houses at military stations, also drew the attention of Government, who asked for the name of the writer, which was given up at his own request; it was Lieutenant Fell, of the 10th regiment. The matter was then inquired into, and the grievance redressed, presenting another striking proof of the utility of such discussions through the press.

The next case that occurred was one which led to the longest correspondence that ever passed between the Indian Government and myself, and was represented by them as one of peculiar impropriety on my part; I know not, indeed, any act that drew down upon me more severe censure than this. As I am very anxious that the Committee should judge for themselves how far these censures were deserved, I will, with their permission, just read to them the letter, and then offer a few remarks upon it. The letter is as follows:

"Duties of Chaplains.

"To the Editor of the Calcutta Journal.

"Sir,

"I shall be obliged by any of your correspondents clearing up the following, for the benefit of your numerous subscribers at one of the largest military stations in India.

"I am,

"Western Provinces,
"June 10, 1821."

"A Churchman, and the Friend of a Lady on her Death-bed."

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"Can a military chaplain, fixed at a station where two King's regiments are posted, besides numerous other corps and departments, which might occupy two clergymen generally, and whose duties therefore, when alone, require his constant presence, absent himself from the station without leave from the commanding officer?"

"At this sickly season his presence with the dying in hospital, and to inter the dead, sometimes six or eight per day, is urgently required, and cannot decently be dispensed with, independent of the impropriety of also interrupting the proper observance of the Sabbath for two or three Sundays successively, where so large a body of Christians are residing.

"It is asserted (but I conceive erroneously), that the chaplains have received orders from the Lord Bishop of Calcutta not to make themselves amenable to any military or other local authorities; and therefore, when a young couple at an out-post prefer going to the expense of making the clergyman travel 250 miles to go and marry them, he is at perfect liberty to accept the invitation, and to leave 3,000 other Christians, his own parishioners, to bury each other, and postpone all other Christian ordinances until his tour is completed, which in this instance occupies, I understand, more than three Sabbaths.

"In consequence of one of these ill-timed matrimonial requisitions in December last, the performance of Divine service, and other religious observances of the season, were entirely overlooked at Christmas, which passed by for some Sundays in succession, and Christmas day included, wholly unobserved.

"It would appear, therefore, to be highly expedient that no military chaplain should have the option of quitting the duties of his station, from any misplaced power vested in him by the Lord Bishop, unless he can also obtain the express written permission of the local authorities on the spot to do so; and provided, in all such cases, the season is healthy, and no one dangerously ill; and that he shall unerringly return to the station before the Sunday following, that Divine service may never be omitted in consequence of such requisition."

The first letter of the Chief Secretary, addressed to me on the subject of this article, merely demanded the name of the writer, as the matter appeared to contain disrespectful insinuations against the Lord Bishop; and it was subsequently known that this request was made at the instance of the Lord Bishop himself. To this a respectful reply was sent, expressing my inability so to do, as, in point of fact, I had not the name of the author, as it is not usual to require it in cases where opinions, in matters of general notoriety rather than statements of private and particular facts, form the subject matter of communication. As the letters themselves, however, are very short, the Committee will perhaps permit me to read them. They are as follows:

"To Mr. J. S. Buckingham, Editor of the Calcutta Journal.

"Sir,

General Department.

"The letter which was inserted in the Calcutta Journal of the 10th instant, under the signature of 'A Churchman, and the Friend of a Lady on her Death-bed,' appearing to contain insinuations extremely disrespectful to the public character of the Lord Bishop of Calcutta, the most noble the Governor-general in Council has directed me to call upon you to state, for the information of Government, the name, designation and residence of the individual by whom that letter was communicated to you for publication.

"Council Chamber, }
"July 14, 1821. }

"I am, &c.

"W. Bayley,

"Chief Sec. to Govt."

"To W. B. Bayley, Esq., Chief Secretary to Government.

"Sir,

"I have the honour to acknowledge the receipt of your letter of the 14th instant, and to state that the author of the letter therein named being unknown to me, I am unable to furnish the information you require. At the same time I beg respectfully to submit, for the consideration of the most noble the Governor-general in Council, that I published the letter in question under a conviction that a temperate and moderate discussion of the inconveniences likely to arise from a want of local control, in certain points, over the military chaplains, might be productive of public benefit, without infringing on the respect due to the public character of the Lord Bishop of Calcutta.

"I have the honour to be, Sir, your most obedient humble Servant,

"Calcutta, July 16, 1821.

"J. S. Buckingham."

I leave the Committee to judge whether a more temperate or a more respectful letter could have been penned than this, under the actual circumstances of the case; yet, mild and unobjectionable as it even now appears to me, it drew down upon me a censure of extreme severity, of which some judgment may be formed by the following paragraph, the only one I shall read, as the letter itself will be found in the printed Evidence. The Chief Secretary says,

"It

"It is a gross prostitution of terms to represent as a temperate and moderate discussion an anonymous crimination of an individual, involving at the same time an insinuated charge, not the less offensive for being hypothetically put, that his superior might have countenanced the delinquency.

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"It would be with undissembled regret that the Governor-general in Council should find himself constrained to exercise the chastening power vested in him; nevertheless he will not shrink from its exertion where he may be conscientiously satisfied that the preservation of decency and the comfort of society require it to be applied. I am therefore, Sir, instructed to give you this intimation: Should Government observe that you persevere in acting on the principle which you have now asserted, there will be no previous discussion of any case in which you may be judged to have violated those laws of moral candour and essential justice, which are equally binding on all descriptions of the community; you will at once be apprized that your licence to reside in India is annulled; and you will be required to furnish security for your quitting the country by the earliest convenient opportunity."

The communication of this determination gave me so much concern, that I began to form serious intentions of relinquishing my occupation altogether; for I could scarcely conceive the possibility of a newspaper being conducted on any principles that would ensure its escape from danger, if such harsh constructions were to be put on very harmless paragraphs, or such laws as those of "moral candour and essential justice," about which, since they are so undefined, no two men could agree, were to be made my rule of action; I remained, therefore, some days in deliberation on the subject, before I sent in my final reply, which was not done till the end of August, though the letter of Government was received by me on the 17th July. That reply is much too long to be read to the Committee now; it will be found entire among the Printed Evidence; but I content myself with reading here the two following paragraphs, to show the tenour of the whole.

"That his Excellency the Governor-general in Council is vested with the exercise of a chastening power, by virtue of which he may deport any man to England from hence, without condescending to assign a reason for such an act, it is not for me to dispute; but of this I am perfectly assured, that it would indeed be with 'undissembled regret' that the Governor-general would be prevailed on to exercise a right that violates the very essence and spirit of British legislation,—a right, the principle of which, if once admitted, would justify the transportation of an individual while suing even the Government itself for his legal right in a court of law, or the removal of a man against whom no charge could be brought, but whose banishment might ruin him and his family for ever. That state exigencies might possibly arise to render this as justifiable as the suspension of the Habeas Corpus Act at home, may readily be imagined; but the mere propounding of the question, 'whether a chaplain ought to be subject or not to the exercise of local control,' could hardly be deemed so to endanger the State as to furnish the exigency required; nor could I imagine that so unconstitutional a power would ever be exercised by the Government until the Supreme Court had been found inadequate to meet the delinquency of the offending individual with a sufficient punishment. The preservation of decency and the comfort of society, one would hope, could never demand such a remedy. These are, indeed, terms respecting the exact import of which no two individuals will entirely agree. I am unwilling myself to offend or disturb either; but in the sincere and zealous discharge of my duty and in endeavouring to fulfil the just expectations of Government, by the encouragement of such comments on public questions as shall benefit those in public employment, it will be difficult always to avoid it. Every such comment will probably disturb the comfort of the individual to whose duties it is applied; and this would be in proportion to their truth and to his consciousness of their application, the two strongest reasons for their use, and the surest pledges of their utility as affecting a beneficial change, while the upright and faithful servant of government would remain undisturbed. It is not surely for being thus instrumental in promoting the public good at an occasional sacrifice of private comfort, that Government would visit me with its extreme displeasure. If, on the other hand, offences against decency, and aspersions on individual character, public or private, be deemed within the peculiar province of Government to watch over and avenge, I may safely say there is not an individual in India who would have larger claims on its interference and protection, as an unjustly calumniated person, than myself; but I would not insult its dignity, nor so far evince my want of confidence in the tribunal open to all, as to ask the Government to extend the shield of its protecting and avenging power to me.

"In reverting to the main points of this long letter, which I have in vain endeavoured to shorten, I beg you will assure the Governor-general in Council, that in publishing the communication which appeared in the Journal of the 10th instant, I had not the most distant idea that anything it contained could be even construed into a want of respect for the public character of the Lord Bishop of Calcutta; that in the short reply which I had the honour to address to your first demand of the author's name, I meant not to advocate any right whatever, nor to vindicate any principle; though I humbly conceive the principle, if any, there implied, namely, that where discussions are temperate and modest, and may be productive of public benefit, without infringing on the respect due to men in public authority, they may be safely indulged, will be deemed by his Lordship unobjectionable; and that your

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last communication of the 17th instant has given me considerable pain, at finding I had unintentionally given such grave and serious offence to a government that I have every desire to honour, respect and obey. I beg also that you will further assure his Lordship in Council, that if the laws of my country are to be my future guide, I shall bow to the decisions of its tribunal with all due respect. If the written and defined restrictions issued on the removal of the censorship be made my rule of action, I will endeavour as faithfully to adhere to them; even if the censorship be restored, I shall still acquiesce in the common submission exacted from all by a power which, whether legally or illegally exercised, no individual like myself could hope successfully to resist. But if so severe a punishment as banishment and ruin is to be inflicted on a supposed violation of the laws of moral candour and essential justice, of which I know not where to look for any definite standard, I fear that my best determinations will be of no avail. My path will be so beset with dangers, that I know of no way in which I can escape the risk of such supposed violations, when those who are at once to be both judges of the law and the fact, may, at the same moment, make the accusation, pronounce the sentence, and carry it into execution, except by relinquishing entirely an occupation thus environed with perils, from which no human prudence could ensure an escape."

The next case was one that excited the highest interest in India, because it really for a time seemed to set at rest the long-agitated question of whether the arbitrary and summary power of the Governor-general in Council, or the legal and regular tribunal of justice, was to be considered as supreme in the decision of all questions relating to the press. The occasion was this: a controversy arose in the Calcutta papers, which was begun by Colonel Robinson, of His Majesty's 24th regiment, a gallant and dashing officer, then in Calcutta, as to whether the dinners, concerts, balls and other entertainments of Calcutta, were well or ill conducted. The colonel contended for the latter, and undertook to show that many improvements, in this respect, might be safely introduced. A writer in a rival paper, under the signature of "*Parenthesis*," very strangely contended that Colonel Robinson, who wrote under the appropriate title of "*Sam Sobersides*," was guilty of great disrespect to Government in passing these strictures on the public entertainments, contending that, as these were chiefly conducted by the members of the Government, as the leading individuals in society, any attack on the perfection of the entertainments was an attack upon the directors of them also. To this Colonel Robinson made a long reply; but I shall read only that portion of it which was selected for prosecution. I will give the Committee every word of this; and I will then leave them to judge of the wisdom of a Government that could undertake the prosecution of such an article, and arising out of such a controversy, as "a false, wicked, scandalous and malicious libel against all the Secretaries to Government in India." The Committee, however, will permit me to read the article itself; and they will then form their own judgment on its alleged atrocity. It is as follows:

"The motives which I have in trying to draw the public attention to this and other subjects alluded to in my former letters, have been so much mistaken by Mr. Parenthesis (a writer in another paper), and other zealous admirers of 'the present order of things,' that I think it necessary to request you will permit me to say a few words more in explanation of what I do and what I do not mean. Most certainly I do not mean the slightest attack (as it has been kindly insinuated I do) upon the Government or its much-respected chief. There is not a man in India more deeply penetrated than I am with a sense of his many great and good qualities; not one who will be more ready to stand forward and join in praise of them under any political changes which can be contemplated; and this not out of a feeling of gratitude, for he never did anything for me, nor of expectation, for I have nothing to expect of him, nor of fear, as I have written nothing I am ashamed of, nor that I would scruple to avow to him, if he only were to judge me for it. I also declare with the utmost sincerity, that to attack, injure and underrate the Government is, and has been, foreign to my thoughts; that I am known personally to all its members, and that I have a great respect for them individually; but I think it no ways inconsistent with my respect for them, one and all, to call, as far as an humble individual can hope to do, the public attention to any matter of abuse, inconvenience or subject of complaint which it is always in the power of the public to redress, or get redressed; and if I saw things going on wrong in the family of my own father, I would cry out and expose them to him. But if no wrongs are to be redressed, or suggested improvements listened to, but those which go through secretaries and public officers to Government, none will be redressed or listened to but those whom they favour; and the influence of their favour (as that of their displeasure) extends further than the Government can be aware of, some striking instances of which will soon be brought to their notice by your fearless correspondent,

"*Sam Sobersides*."

To prosecute this harmless paragraph as a libel, the six Secretaries of State in India combined their purses and their influence; and I need not say how powerful these

these united must be. I had arrayed against me, therefore, all the authority of Government; and though it was a legal process that was to be pursued, which of course I thought much more highly of than an arbitrary proceeding, I scarcely dared venture to hope for success. The Committee should be informed, that in India the grand juries are composed almost exclusively of servants of the East India Company, and that there never can be any very great difficulty in finding a bill of indictment, where the Government are the prosecuting parties. The petit jury is composed wholly of British-born subjects, and as such are all living in India by virtue of a licence, which may be taken from any of them at any time, without reason assigned, and they themselves be banished from the country, if they do anything which may displease the Government. With such juries there could be little difficulty in obtaining convictions in any case in which the Government were tolerably right. What, then, was the result of this trial? Why this, that after hearing counsel on both sides, and the summing up of the judge, the jury, without a moment's hesitation, and without even retiring from the box, gave an unanimous verdict of acquittal; and the six Secretaries of State, with all their wealth and influence combined, were defeated by a single individual, under all the disadvantages already enumerated, merely because their ground was untenable.

During the time that this trial was in progress, between November 1821, when the indictment was first found, up to January 1822, when the verdict of acquittal was given, that is therefore in the month of December 1821, some discussions arose in the Calcutta Journal as to whether the article or letter prosecuted as a libel, was really such or not, on which a criminal information was filed to prevent any further discussion on that subject; and in the argument which took place in court on that subject the following admissions were made, which, considering the rank of the parties, ought, I conceive, to be stated, and I will give them in succession.

In the first place, Mr. Cutlar Fergusson, then and at all other times my leading counsel at the bar of the Indian court, speaks of the Calcutta Journal in these terms. I copy from the printed report of the trial:—

“ Mr. Fergusson, who was the leading counsel for the defendant, rose, on the part of his client, to show cause against the rule. In moving for that rule, the Advocate-general (he observed) had entered very largely, and more than was usually done, into the reasons which gave rise to his motion, in which he should endeavour to follow him. That learned gentleman had told their lordships that it was three years since the boon of the liberty of the press had been bestowed on India. He would tell them, however, that it was three years since the restrictions formerly illegally imposed on that liberty had been removed by a statesman and a friend of India, characterized by the liberality and magnanimity of his sentiments, who had thus conferred an inestimable blessing on this country, which would cause him to be remembered with gratitude by future generations; for if there was any one blessing likely to be more productive than another of great and lasting benefit, it was certainly that liberty of discussion, through the exercise of which every suggestion for its improvement, and the advancement of its interests, might be brought into the field of fair and open argument, and if proved to be of advantage, adopted for the general good. He was ready to admit that the liberty of the press was subject to some evils, although he regarded it as the greatest blessing that could be conferred on society; but he knew of no boon that could be granted which was capable of producing so many beneficial effects as this, by its bringing into discussion and to the notice of the Government an infinite number of subjects connected with the interests of this immense empire over which its sway extended, and with the amelioration of the condition of our Indian subjects.

“ Among other things, the Advocate-general told their lordships that it was impossible to go about the common business of life without being assailed with libels; he had represented it as being in a whispering gallery, where every word is noted and made public. In saying this, his learned friend must have alluded only to the chit-chat and gossiping tattle indulged in by the inhabitants of Calcutta about the affairs of the day, when taking their evening drives on the Course or elsewhere; such expressions could not allude to anything connected with his client, for whatever may have been the freedom with which public matters have been discussed, he was ready to assert that no press on earth was more pure from private scandal, and an exposure of the secrets of domestic life, than the Calcutta Journal.

“ But as to attacks on private character, with which his client had been so unjustly charged, there was no libel, no scandal, no vituperation that had not been poured out by others on his client, Mr. Buckingham, who was himself the chief, nay almost the only sufferer from that abuse of the press of which he had been so groundlessly accused.

“ The discussion which had given rise to this action had arisen in consequence of a question started, and long and warmly disputed by very unlearned persons, he thought, as to the power of the Governor-general to transmit, without trial, British subjects licensed to reside in India. Giving his opinion as a lawyer, he must say he thought there was no doubt of the existence of the power to transmit persons licensed to reside; and persons residing in India without a licence were, in a legal sense, committing a misdemeanor every day, which

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the law, however, overlooked. But the power of transmission, although it did exist, was a matter of high trust and responsibility, which should not be exercised but on occasions that imperatively called for it. He did not see that any such occasion had yet arisen, and he hoped that no such occasion would ever occur, nor did he believe that it would ever be exercised as long as the government of India was in the hands of its present rulers. Such a power had been vested in the Government, because a monopoly of the trade of the country having been given to the East India Company, all others were considered as interlopers, who should be removed from the country if their conduct was obnoxious to the servants of the Company. But this power of transmission, like the power of the servants of the Crown during the suspension of the Habeas Corpus Act, and every discretionary power, could not be exercised without high responsibility, and was not to be used on slight occasions. In both these trusts the ends of justice were to be satisfied and not defeated; and no lawyer would deny but that wrongs, occasioned by the undue exercise of this or any other purely discretionary power, would be heard and redressed. He repeated, however, his conviction, that for offences through the press such a power would never be exercised as long as the present ruler of India was at the head of its government. On this question of transmission, as it is called, the discussion arose, and his client (Mr. Buckingham) was of opinion, in which he (the learned counsel) fully agreed with him, that a trial by a jury of his countrymen was better than any man's discretion, however high and exalted, and however illustrious his character might be. When his client knew that he was to be tried by a jury, he rejoiced that he and all others who entertained the same opinion as himself had gained so proud a triumph over the advocates of summary transmission; and that after all that had been said, a jury was resorted to at last, as the only legal and proper tribunal for trying offences through the press; he therefore expressed his content and satisfaction that, instead of any other tribunal, his case was to be tried by a jury of his countrymen.

"Mr. Spankie, the Company's Advocate-general, said, no one could speak of the liberty of the press without admitting it to be one of the greatest blessings men can enjoy; but this was no reason that the abuse of it should be tolerated. The most salutary of all medicines might become by corruption the most deadly poison. Let not the liberty of the press then be made a cloak for general libelling.

"But he did not accuse Mr. Buckingham of having this intention. From him, if left to himself, we might expect better things; but we have been informed to-day that these letters were not written by Mr. Buckingham, but by his correspondent. This is the great evil; he is controlled by a self-elected censorship on his press, which prevents him from following the dictates of his better judgment. Volunteer combatants, who are always keener than regulars, enter the arena of disputation, and inflamed with the desire of victory, disturb the peace and quiet of society. It was a great evil that the press was so open, and thus made an engine of disturbance. If Mr. Buckingham would exercise his own discretion on the writings of his correspondents, of which he is the proper censor, his paper might be productive of invaluable benefits.

"His Lordship the Chief Justice, Sir Edward Hyde East, then passed to the consideration of the merits of the case before the court. They had nothing to do, he considered, with the liberty of the press abstractedly. The Government of the country, with the advice and sanction of the authorities at home, had established that liberty; and he considered that a free press, or the liberty of publication without a previous censorship, was calculated to produce much good."

Here then again was a distinct appeal to the tribunal of the law, and an admission from the highest legal authority in the country, that the liberty of the press had been established in India with the sanction of the authorities at home; and an admission on behalf of the counsel on both sides, that my own conduct in the use of this liberty had not been of such a nature as to deprive me of the fair claim to such protection as this tribunal of the law could afford to me: from all which the inference was very natural, that the law would be in future again resorted to, and that banishment for offences committed through the press would never be inflicted without a trial at least.

An event now occurred which, though it forms no part of my correspondence with the Indian Government, is yet material to be mentioned; as one of the accusations made against me was, that I disturbed the peace and good order of society, and was therefore a fit object of punishment. The event was this: an individual, Dr. Jamieson, who was well known as a writer in the rival paper, called the John Bull in India, received from the Indian Government an appointment as superintendent of the school for native doctors; and as the same individual already held no less than six different appointments, each of them sufficient to occupy the time and attention of any one man, I wrote in the Calcutta Journal an article tending to show, that even admitting Dr. Jamieson to be the most clever and the most meritorious man in the world, still, as he could not by any process expand 24 hours into 48, the mere impossibility of his commanding sufficient time to perform the duties of his new office without neglecting those of his old ones, ought to be deemed a valid objection against his being confirmed in it. Dr. Jamieson on this applied to Lord Hastings, and entreated him

him to send me out of the country for having dared to comment on an appointment made by the Government, and thus set myself up as a censor of their conduct. To this Lord Hastings is said to have replied, that he had made up his mind never to send an individual out of the country without a previous trial, whatever might be the nature of his offence. He therefore recommended Dr. Jamieson to proceed against me by trial at law, as the six secretaries had done in the proceeding by indictment in November 1821, on which I was acquitted in January 1822; or as the Government itself had done in the proceeding by criminal information, which was filed in November 1821, but never carried forward for judgment; or if the matter were only one of controversy as to his fitness for the office, or capacity to find time for its duties, the press was as open to defend himself as to raise the objections to his appointment. Dr. Jamieson being thus disappointed in receiving the aid he wished from the Governor-general, sent his friend Dr. Gordon to me with a formal message to say, that as he had applied to the strong arm of power to punish me for what I had written, he did not think himself justified in demanding of me personal satisfaction for that act, as this would be to employ two weapons where only one ought to be used; but though he would not, for this reason, call me to account for what had already transpired, he demanded of me that I should give his friend a written pledge that I would never, on any future occasion, mention either his name, his offices or his duties, for the purpose of commenting on them in any way whatever; and if I would not do this, that he should expect me to give him the satisfaction due to a gentleman, by meeting him in a duel. As this appeared to me most preposterous and absurd, I declined complying with either alternative; I refused to give the pledge required in favour of any man, as that would be to make a virtual abandonment of the liberty of the press entirely; and I equally refused to meet a man in a duel for what I had not yet done, and what by possibility never might do. It would be sufficient, I thought, when the offence was committed, to atone for it in the way desired; but as the history of duelling presented no case of fighting by anticipation, and as neither custom nor honour could demand it, I was determined not to set so bad an example as a precedent. Some time after this message was returned, I had a conference with several friends on the subject, who conceived, that in so highly military a society as that of India contains, it was necessary to take one other step in advance of that already described; and in compliance with their wishes, rather than from any desire of my own (for no man can hold the practice of duelling in less esteem than myself), I sent to Dr. Gordon to say, that if his friend Dr. Jamieson was not satisfied with the answer given, and still wished to receive satisfaction for what had actually transpired, I was quite willing to waive the objection to his seeking two modes of redress instead of one, and would give him the meeting if he desired it. The meeting accordingly took place the following morning at daylight, two shots were exchanged on either side, and the pistols were loaded for a third fire, when my own second, Major Sweney, used his influence to prevent all further proceedings, and the matter thus terminated, with quite as little success to those who appealed to this third tribunal for offences committed by the press, as had previously attended those who sought, by arbitrary deportation and by legal prosecution, to stifle that spirit so natural to Englishmen in their own country, and so difficult to eradicate from them anywhere; I mean the spirit so justly eulogized by Lord Hastings, as "found only in men accustomed to indulge and express their honest sentiments."

This occurred in the month of August 1822; and about this period it was that the first announcement was made of my intention to dispose of a portion of the Calcutta Journal in shares, so as to give the property greater stability, by associating in its proprietorship gentlemen of character and property belonging to all the higher branches of the community. Accompanying this announcement was a schedule or catalogue of the entire property of the whole concern, in its presses, types, paper, buildings and other materials, the estimated value of which, independently of the copyright, was two lacks of rupees, or 20,000 *l.* sterling; and also a return of the actual profits made during the previous six months, which was at the rate of from 6,000 *l.* to 8,000 *l.* sterling per annum; by which the value of the copyright and materials together were deemed worth fully four lacks of rupees, or 40,000 *l.* sterling, and yielding even at that rate of purchase from 18 to 20 per cent. at least. Certain other advantages, in the gratuitous supply of the paper to shareholders, were also held out, which, adding the amount of the subscription value, would make the dividends not less than from 30 to 40 per cent. interest on the sum invested in the purchase of such shares. The public were invited to

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inspect the whole property, as well as the books of account, for themselves; the concern was visited by many for that purpose, to whom every facility was given; and when the period arrived for confirming the purchases, which was not till six months after the purchase money was paid (giving every person therefore six months of trial, with liberty to withdraw at the end of the six months if he desired it), the number of shares sold was 70, some at 1,000 rupees each, and some at 1,200, making on the whole about 7,000*l.* sterling; which sum was paid for about one-sixth of the whole paper, the estimated value being 40,000*l.*, to be divided into 400 shares of 100*l.* each, of which it was stipulated that I should retain 200, and the rest be open to me for sale.

All these facts the Committee will find in the Printed Evidence already before them; where also it is shown, on the testimony of Mr. J. C. Sutherland, a partner in the banking-house of Messrs. Alexander & Co. in Calcutta, and of Colonel Franklin, of the East India Company's army in Bengal, that they purchased such shares as a matter of profitable investment; that they realized their full amount of promised dividends in two half-yearly payments; that the concern was most prosperous, yielding large profits, in which they participated: and on the testimony of Mr. Sandford Arnot, then a resident in Calcutta, and attached to the office, it is shown in the Printed Evidence, that the accountant of the Journal, who had the best possible means of knowing its actual value, purchased a share in it at the price stipulated, as a mercantile investment for profit, and was perfectly satisfied with its returns.

The stability thus given to the Journal by this extension of its proprietary interest, so as to include 70 gentlemen of station, wealth, intelligence and high character (for there were not more than three or four natives of India among the purchasers; all the rest were officers of the East India Company's civil or military service, and opulent British merchants of the city), made it of course an object of greater hatred than ever to those who saw in its increased stability the assurance of increased power and influence.

About this period, the Rev. Dr. Bryce, who was editor and proprietor of the Indian John Bull newspaper, commenced a series of letters against me under the signature of "A Friend of Mr. Bankes," the great object of which was to repeat certain calumnies of Mr. Wm. John Bankes, then Member for Cambridge, who, among other things, had represented me as being a person wholly incapable of writing a book, and being about to publish as my own a volume of travels in Palestine, the materials for which were stolen from himself. I need not now say anything to the Committee to prove the utter falsehood of this imputation. I took the most effectual means that any man could take, to put that matter to the test, by proceeding in a court of law against the original fabricator of such a groundless calumny; and the result was, that after a trial which extended over nearly three years of time, and cost the parties, who were declared guilty, upwards of 6,000*l.*, and myself, who was proved innocent, nearly 2,000*l.* in money, that Mr. Bankes was found guilty of a false, scandalous and malicious libel, by the verdict of a jury, and condemned to pay damages of 400*l.* with costs. Dr. Bryce, however, by the most malignant perversion of the facts of the case, so distorted them as to produce a very great impression against me in Calcutta: and to show that his object in attacking my private character was, if possible, to undermine the influence which my moral character and integrity gave to my political principles, he himself makes this unblushing avowal of his end and aim. He says, under the signature of "A Friend to Mr. Bankes,"

"The phenomenon of a journalist writing his sentiments without the aid of a censor is at least new in India, and it was manifest that in this country such a man might prove the source of incalculable evil. In looking around me, I behold the evils that might be feared actually occurring. I saw them insinuating themselves into the very stronghold of our power, and possibly paving the way for an event which the enemies of this power have attempted in vain. Entertaining these views, the conductor of such a press became, in my eyes, a public enemy; and resting his power, as he did, as well upon his character as in his principles, his reputation became a fair and a legitimate object of attack, and its overthrow a subject of honest triumph to every lover of his country."

I have read this to the Committee, for the purpose of showing to what extremes of virulence and slander my opponents were permitted to proceed against me, in violation of the regulations said to be issued to and made binding on all the editors of the public papers alike, as well as in violation of those "laws of moral candour and

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and essential justice," the slightest infringement of which on my part was threatened with instant banishment without any previous discussion. And another object I have in view in reading this paragraph, is also to let the Committee know who Dr. Bryce is, and what were his sentiments and his character, as I shall have occasion again perhaps to refer to them, when I come to speak of that comment on his new appointment, for which I was ultimately banished, without trial, from the country.

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There were two minor matters which formed subjects of correspondence, though not of complaint, between the Indian Government and myself, which will be found in Appendix II., pages 28 & 32, but which I mention here lest it should be supposed that I would omit anything important. The first is, when in April 1822 we were publishing in the Calcutta Journal, section by section, Sir John Malcolm's "Report on the State of Malwa," which the Government not wishing to be proceeded with, wrote to express their wish for its being discontinued, and it was discontinued accordingly. The second, when in August 1822 there appeared a letter in another paper, the "India Gazette," conducted by Dr. Grant, a Government servant, which "appearing to the Governor-general to be of a description highly offensive to his majesty the king of Candy," I was desired not to repeat it, a desire with which I very cheerfully complied; though the editor who originally inserted this "insulting" letter, as it was afterwards called by the Government, never received, as far as I could learn, the least punishment for his offence. I mention these cases to show the *animus* by which I was really actuated; and I can truly and solemnly declare, that whenever I knew what the specific wishes of the Government were, I was always willing to meet them. But when they gave so vague a threat as to say, "The next time you give us any offence, we shall withdraw your licence," it was impossible to discover what might or what might not give them offence; since this would often depend far more on the temper of mind in which the offended party might be at the moment, than the nature of the thing said, especially when the party offended was to be accuser, witness, judge and jury in his own cause.

An exception to the minor cases, however, occurred about the same period; namely, in May 1822, when a letter was written from the Upper Provinces by Colonel Robinson, of His Majesty's 24th regiment, the King's officer who had commented on the entertainments of Calcutta under the signature of "*Sam Sober-sides*," and therefore long subsequent to my acquittal for the publication of those comments. In this letter, he adverts to the benefits produced in the interior of India by a free press, and ventures to ask a question as to the propriety of publishing, in the Government Gazette, all the promotions and advancements in rank conferred on officers, that they might be more publicly known. The letter appeared to me as innocent as I had ever printed, and I inserted it therefore without scruple. But as it led to severe measures towards its unhappy author, as well as reproof to myself, I am anxious that the Committee should hear it entire. It is as follows:

"To the Editor of the Calcutta Journal.

"Sir,

"Were I to enumerate the benefits in small matters and great which, within the last three years (but particularly within the last one year), I know to have been done to the public service, by the free exposures and discussions which have taken place in the columns of your Journal, I should fill up more than the whole of your Asiatic department for at least a couple of days, and put to shame, if they have any, every one of the courtly well-fed tribe who have laboured to deprive the Indian world of that free press which is the greatest blessing that any rational people can enjoy. What abuses of power have already been checked by it! With what wholesome fear has it already inspired many hundred public servants, who were before under no fear or control whatever! What civility, what attention to business, what alacrity and regularity, it has helped to introduce in many of the public offices! yea, what virtue, public spirit, emulation to excel in their different callings, has it not given to many, who never before considered a place or appointment with any other thought but how the most was speedily to be made of it! How much more has it done to stop foul play, and introduce improvement in bazaars, and in the administration of military justice, flogging, taxing, cheating—how much more than all the orders you can pick and cull out of that valuable compilation, as clear as it is rich, the Bengal Code! Yes, Sir, I congratulate you most heartily on being, in a manner, the author of more improvements than all the laws and regulations that have yet been framed to improve things mendable. I congratulate the natives, from the bottom of my heart, at the good you have already done them; and I hope to see the time when it will no longer be in the power of those who are supposed to protect them from fraud and violence, to harass them even in legal courts, and under rules and regulations. That it still is so, and that the most trying evils may be

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and are too often experienced under legal forms, where the sufferer has little hope of redress, I could furnish some examples to any one who doubts the fact.

"Respecting the brevet and local rank conferred, or rather said to be conferred, by Indian chiefs, such as the Nizam, Berar, Rajah, &c. upon British officers, I should be obliged to any of your well-informed military correspondents to answer me the following questions: 1st, Who is it that makes captains, lieutenants, majors, and sometimes brigadier-generals of captains in the service of these chiefs? Is it the chief, whom we are told from the best authority has no power even over what are called his own troops, or is it the Governor-general, who is *bonâ fide* the chief lord and master of those kingdoms? 2d, If the Governor-general, as I suppose it must be, does he get the authority by Act of Parliament, or by order from the Court of Directors? Whether it be the Governor-general or the chief, why are these gentlemen not notified in public order, in the rank which they assume upon their visiting cards and in society? In Europe, whenever an officer is allowed by His Majesty to accept rank or honours of any kind from a foreign prince, it is duly notified in the Gazette. These certainly are little things, so are most things that hold society together; so are all your courtly ceremonies very little things; but let me see the proud English Knight who would be thrust out of his place at a feast by a Knight of Malta or the Ionian Islands. Do not, then, let us expect an old captain or subaltern in the army to yield or give way to his inferior in rank, let him style himself what he pleases, or dress himself in ever so imposing a staff uniform.

"I am, Sir,

"A Military Friend,

"Neither a Mull nor a Gull."

The Government first asked the name of the writer of this letter, which I stated that I confidentially possessed, but wished rather that he should himself communicate it to the Chief Secretary, which I had no doubt he would do most cheerfully, from his having publicly stated his readiness to give proofs of his assertion, if needed; but the Government would hear no compromise, and insisted on the name immediately, which was accordingly given, as Colonel Robinson had publicly authorized that step, though I should have preferred its being done by himself. As far as I was concerned, this matter ended here; but I regret to say, that with such severity was Colonel Robinson pursued, that after being driven from his station in the heart of the country, and forced to march to Bombay in a state of ill health, and in the burning heats of autumn, he was ultimately ordered home from there and his spirits and health together were so much broken by this harsh treatment, that he died almost within sight of the English coast, and was buried, I believe, off the Lizard, a victim, undoubtedly, to his ardour for the promotion of reform, and his constitutional, sincere and disinterested attachment to the cause of a free press in India.

The last occasion of complaint, and the last warning that I received, and I am as glad as the Committee can possibly be to approach their termination, arose out of the following circumstances. A discussion had existed for a long time between the editors of the Indian newspapers, as to whether the Regulations for the press contained in the Government circular were or were not binding in law. My opinion always was, that they were not; the best proof of that was, that there never had been, and all lawyers admitted there never could be, a legal proceeding against any party for infringing them. They had not been registered in the King's court, a formality without which they could no more become law than a Bill carried through both Houses can become an Act of Parliament without receiving the Royal Assent. The only way in which they could be enforced was this: an editor was told, "there are certain rules which we choose to lay down; if you do not conform to them, we will deprive you of your licence of residence; and when we have taken this from you, we can send you out of the country, not for breaking any of our rules, but for not having the licence which we have taken away;" but Indian-born editors could not be so dealt with; and when they broke the rule which they did often, there was no legal process which could be had against them, because the rules themselves had no legal existence. This was the doctrine I maintained in opposition to the other writers in India, and subsequent events have proved that I was right, as those very rules were afterwards registered in the King's Court, to give them that power in law which they never possessed before. For so writing, however, I received again a severe reproof. The letter will be found in Appendix II., page 33, as well as my reply. I will quote only one paragraph from the letter, and another from the reply. The closing paragraph of the Government letter, which is dated 5th Sept. 1822, is as follows:

"Whether the Act of the British Legislature or the opinion of an individual shall be predominant is now at issue. It is thence imperative on the duty of the local government
to

to put the subject at rest. The long-trying forbearance of the Governor-general in Council will fully prove the extreme reluctance with which he adopts a measure of harshness; and even now his Excellency in Council is pleased to give you the advantage of one more warning. You are now finally apprized that if you shall again venture to impeach the validity of the statute quoted, and the legitimacy of the power vested by it in the chief authority here, or shall treat with disregard any official injunction, past or future, from Government, whether communicated in terms of command or in the gentle language of intimation, your licence will be immediately cancelled, and you will be ordered to depart forthwith from India."

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To this letter, as I before stated, a long reply was sent, which will be found in the Appendix II., pages 33-39; but I will read only the closing paragraph of the whole; it is this:

"As to the nature or extent of that freedom of the press about which such various and conflicting opinions have been entertained, it is now clear that for English-born editors who may be transmitted for maintaining abstract opinions as to its existence or total annihilation, no such freedom can be any longer supposed to exist; and as far as I am concerned by being included in that class, it is likely that his Lordship in Council will never more be troubled with dissertations upon a question now so entirely set at rest. Of the merit or demerit of the systems of censorship, restrictions, or freedom, as by law established, whatever may be my opinion, it must be unavailing to offer it now. I have before often desired to know only distinctly and unequivocally what the system intended to be maintained actually was, and expressed my readiness to conform to it; for the justice or injustice, policy or impolicy of any system must rest with those who establish, and not with those who are called on merely to observe it, and who have no share in its formation. Every apparent departure that I have yet made from such conformity to the established system of the moment, has arisen from the ambiguity of the terms in which its conditions appeared to me to be involved, and from the inferences fairly warranted by the various modes of proceeding adopted against offences through the press, sometimes through the channel of official correspondence, but more frequently, and in the most important cases, through the regular channel of proceedings in the courts of law. To this last appeal I have never once objected, and so far from my attempting to set any Act of the Legislature of my country at defiance, my never ceasing cry and prayer has been, that the dominion of the law should be upheld and maintained as the only dominion under which we all ought to live. Whatever is lawfully established it will always be my duty to obey; and even under the system here laid down by the Governor-general in Council, as that framed by the Legislature for the government of British India, however it may fall short of that standard of excellence which ardent minds might wish to see attained, it will be my aim to live as usefully and honourably as I can. If I fail in effecting all the good I wish, I must strive to be content with doing that which is safely practicable, and endeavour to balance the sacrifices of the present by indulging hopes for the future."

I beg the Committee to remark, that this last warning distinctly tells me, that if I again impeach the validity of any statute, or doubt the legitimate power which it gave, or disobey any official injunction, past or future, which the Government might issue, I should have my licence taken away. I contend, that in the article for which I was ultimately banished, I did neither of these things against which I was warned. I called no statute in question, I doubted no power whatever, I disobeyed no injunction, past or future. The Governor-general, the Judges, the Bishops, were not to be spoken disrespectfully of in India, nor the Directors or other public authorities of the East India Company in England. But the individual on whose singularly inappropriate appointment, I felt it safe to raise a good-humoured smile, was not included in the excepted dignitaries, nor was he, in any sense of the term, one of the public authorities of the country, but merely a Presbyterian minister, as will presently be seen. The history of the transaction was as follows: and as it was for this, Sir, that I was actually banished from the country, it is important that it should be clearly understood.

Subsequent to the last warning already read, which was written by Lord Hastings in September 1822, that nobleman left the country, embarking in January 1823, and leaving an interregnum until the arrival of his successor, Lord Amherst, during which interval the supreme authority was vested in the hands of Mr. John Adam, as senior member of council, who was therefore the temporary Governor-general of India, or *locum tenens*, till the actually appointed Governor, Lord Amherst, should arrive. Mr. Adam had been the original censor of the press in Calcutta. Mr. Adam was the leading member of the Council, in opposition to Lord Hastings's views on the subject of free publication in India: and he had been heard to declare, that if he possessed the reins of power but for a single day, he would use it to send me out of the country. I felt it my duty, as I believed it to be my interest, to exercise somewhat more than my usual caution on this account, and indeed I

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was taunted by my rivals and opponents of the press, Dr. Bryce among the number, with something like a shrinking from my duty, and a line from Shakespeare was often repeated of me,

“High reaching Buckingham grows circumspect.”

With all my circumspection, however, I was unable to escape. In the short period of Mr. Adam's interregnum, he took great care to reward handsomely those who had been most active and most violent in their opposition to the freedom of the press in India, and, among other most inappropriate appointments, he conferred upon the Rev. Dr. Bryce the situation of clerk of the committee for supplying the government offices with stationery, a place worth about 600*l.* or 800*l.* a year. So much importance was attached by the Government to this appointment—so desirous at least did they appear to be to give it all possible *eclat*, that instead of being included in the Government Gazette of the morning, where appointments of the highest importance are always announced, it was made the subject of a special announcement, in the shape of an “Extraordinary Gazette,” in the manner in which victories and other important events are announced in England, which was paraded about the town, and delivered to persons as they rode or walked through the streets. The whole affair was a subject of such ridicule, in everybody's mouth, that I but faintly responded to the general feeling of the entire community, the patron and the protégé perhaps alone excepted, when I penned and published in my Journal of the 8th of February, the following good-humoured exhibition of the appointment in question :

“From the Calcutta Journal of the 8th February 1823, p. 541.

✦ “During the evening of Thursday, about the period at which the inhabitants of this good city of palaces are accustomed to sit down to dinner, an Appendix to the Government Gazette of the morning was issued, in a separate form, and coming in the shape of a Gazette Extraordinary, was eagerly seized, even at that inconvenient hour, in the hope of its containing intelligence of great public importance. Some, in whose bosoms this hope had been most strongly excited, may perhaps have felt disappointment; others, we know, drew from it a fund of amusement, which lasted them during the remainder of the evening.

“The reverend gentleman named below, who, we perceive by the Index of that useful publication, the Annual Directory, is a doctor of divinity and moderator of the kirk session, and who, by the favour of the higher powers, now combines the office of parson and clerk in the same person, has no doubt been selected for the arduous duties of his new place from the purest motives, and the strictest possible attention to the public interests. Such a clerk as is here required, to inspect and reject whatever articles may appear objectionable to him, should be a competent judge of the several sorts of pasteboard, sealing wax, inkstands, sand, lead, gum, pounce, tape and leather, and one would imagine that nothing short of a regular apprenticeship at Stationers' Hall would qualify a candidate for such a situation. All this information, however, the reverend gentleman no doubt possesses in a more eminent degree than any other person who could be found to do the duties of such an office; and though, at first sight, such information may seem incompatible with a theological education, yet we know that this country abounds with surprising instances of that kind of genius which fits a man in a moment for any post to which he may be appointed.

“In Scotland, we believe, the duties of a Presbyterian minister are divided between preaching on the Sabbath, and on the other days of the week visiting the sick, comforting the weak-hearted, conferring with the bold, and encouraging the timid, in the several duties of their religion. Some shallow persons might conceive, that if a Presbyterian clergyman were to do his duty in India, he might also find abundant occupation throughout the year, in the zealous and faithful discharge of those pious duties which ought more especially to engage his devout attention; but they must be persons of very little reflection indeed who entertain such an idea. We have seen the Presbyterian flock of Calcutta take very good care of themselves for many months without a pastor at all; and even when the shepherd was among them, he had abundant time to edit a controversial newspaper (long since defunct), and to take a part in all the meetings, festivities, addresses and flatteries that were current at the time. He has contrived to display this eminently active, if not holy disposition, up to the present period; and according to the maxim, ‘to him that hath much (to do) still more shall be given, and from him that hath nothing, even the little that he hath shall be taken away,’ this reverend doctor, who has so often evinced the universality of his genius and talents, whether within the pale of divinity or without it, is, perhaps, the very best person that could be selected, all things considered, to take care of the foolscap, pasteboard, wax, sand, gum, lead, leather and tape of the Honourable East India Company of Merchants, and to examine and pronounce on the quality of each, so as to see that no drafts are given on their treasury for gum that will not stick, tape short of measure, or inkstands of base metal.

“Whether the late discussions that have agitated both the wise and the foolish of this happy country, from the Burrampooter to the Indus, and from Cape Comorin to the confines

times of Tartary, have had any influence in hastening the consummation so devoutly wished, we cannot presume to determine. We do not profess to know anything of the occult sciences, and being equally ignorant of all secret influences, whether of the planets of heaven or the satellites of earth, we must content ourselves, as faithful chroniclers of the age, with including in our records the important document issued under the circumstances we have described."

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Let me now ask the Committee to contrast the good-humoured banter of such an article with this with the fierce and bitter paragraph which I read to them at a former part of my address, from the pen of this same Dr. Bryce, who avowed that, as my principles derived great strength from the excellence of my character, it was important to attack and overthrow that character, if the principles could not otherwise be refuted. Let me place the mildness and utter absence of ill-feeling, on my part, in contrast with the bitterness and venom on his; and let them say what they must think of the fairness or justice of a Government that could permit such a man, who was subsequently convicted of libels against me by a court of justice, the judge even declaring from the bench that they were too atrocious to be thought of without horror, to remain unmolested, and amass a fortune by his pursuits, while I, who had never yet been convicted of libel, nor had evinced either severity or bitterness towards the Government or individuals, was to be banished without trial, and ruined, as the sequel will unhappily show.

On the day after the article in question, appeared the following, which was the last communication from the Indian Government ever sent to me.

"To Mr. J. S. Buckingham.

"Sir,

"Referring to the editorial remarks contained in the Calcutta Journal of the 8th instant (page 541), and to the communication officially made to you on former occasions, I am directed to apprise you, that in the judgment of the Governor-general in Council you have forfeited your claim to the countenance and protection of the Supreme Government.

"2. I am further directed to transmit to you the enclosed copy of an order passed by Government, on the present date, by which the licence of the Court of Directors, authorizing you to proceed to the East Indies, is declared to be void from and after the fifteenth (15th) day of April next.

"3. You will be pleased to notice, that if you should be found in the East Indies from and after that date, you will be deemed and taken to be a person residing and being in the East Indies without licence or authority for that purpose, and will be sent forthwith to the United Kingdom.

"I am, Sir, your obedient servant,

"Fort William, }
12 Feb. 1823. }

"W. B. Bayley,

"Chief Secretary to the Government."

From such a mandate as this there was of course no appeal. Considering the only course, therefore, left open to me, to be that of retiring from the country, where my further residence was forbidden, useful and honourable as were my pursuits, and many as were the friends from whom I should thus suddenly be torn, I began to prepare for my departure. What greatly aggravated the hardship of my case was, that my wife had, but a few weeks before, joined me from England, after a painful absence of 10 years, and that our children were expected to be on their way out to join us, as orders for their coming had already been sent home. The short time allowed for my stay would not enable me to wind up my affairs and settle my accounts, as the greater number of those who were indebted to me, as subscribers to my Journal, were residents in the interior of the country. My domestic establishment, just completed with great care and at great cost, was obliged to be abruptly broken up, and a great sacrifice of property suffered on that account alone; besides which, the removal of my personal superintendence from such a concern as a daily public journal could scarcely fail to lessen its value to myself, and to every other proprietor. The spontaneous feelings of sorrow and indignation which were communicated to me from all quarters were such as any man might well be proud of; but though they soothed the feelings, they could do but little to repair the losses inflicted on me by so severe a measure. To add to the aggravation of the evil, I was then standing in the supreme court of justice as a plaintiff seeking reparation for the injurious libels on my character, written and published by Dr. Bryce in the John Bull newspaper; and to banish me, without trial, from the country, was of course greatly to lessen the chance of my obtaining justice at the proper tribunal to which I had appealed. In short, it is a mockery to speak of the protection of the laws existing in any country where an individual may be

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taken from a court of justice, either as plaintiff or defendant, and banished, without trial, by the ruling power. Nevertheless, to show how strong my case must have been, I may mention, that even in my absence, after I had been sent away, and my cause therefore deprived of much of its strength, the following opinion was expressed of the libels of my opponent by the learned judge, Sir Francis Macnaghten, from the bench :

"That the plaintiff was entitled to just damages was undeniable ; that he had suffered no special damage was avowed, and special damages accordingly were not claimed. To his Lordship's mind there was no question of the malice of the writer in the *John Bull* towards Mr. Buckingham. It was true, Mr. Buckingham had appealed to the public ; but he did not apply to be expelled from society, and his friends to be proscribed. Really, to his Lordship's mind, they were most malicious libels ; he could not speak of them without horror. If he conceived that Mr. Buckingham had suffered in his newspaper or in his mind, his Lordship would award him the most ample and exemplary damages, but as special damage was not pleaded, he did not consider heavy damages necessary. Concluded his Lordship, 'Let the plaintiff have 1,000 rupees damages, and costs.'—Report of the Trial in the Supreme Court of Calcutta, April 7th, 1823.

The truth is, that thinking more of character than damages, I had instructed my counsel to say I did not come into that court to seek compensation in money ; for, atrocious as these slanders were, my character stood so high among those who knew me, that they had in no way affected the sale of my paper, and therefore my property remained uninjured by them ; while, conscious of innocence, the tranquillity of my mind remained undisturbed. But I brought these libellers into court, as the only effectual means left me of proving to the public of India, by whose support and approbation I lived, that even the writers of these libels were ashamed to avow themselves, and that they had not a shadow of evidence to substantiate their case. The result of the trial effected this object most completely, and with this I was satisfied.

I may perhaps add, that in the course of the trial a question arose as to the general character of the *Calcutta Journal*, when Mr. Cutlar Fergusson, than whom no man knew it better, or was more competent to form a just opinion of it, gave this as the result of his convictions :—

"After Mr. Longueville Clarke had read to the Court what he considered the worst parts of a long series of the *Calcutta Journal*, in order to show that its character would at least palliate the libels of his clients on the editor, the following was the reply made by the counsel on the other side :

"As to the extracts selected by Mr. Clarke from the 26 numbers of the *Calcutta Journal*, and which have been read, I am satisfied, that if my learned friend could have discovered any more libellous matter, he would have pronounced it to the court. As he has not done so, it may be safely taken for granted that it did not exist. Now, he had not been able to produce one libel on private character ; there was not a single word of calumny on any private individual. In fact, upon my learned friend's own showing, there could not be a purer paper in existence. If it come to libels between editors, the most objectionable expression that could be found (in the *Calcutta Journal*) is that which accused a former editor of the *John Bull* of being 'subservient,' and even that is applied to public conduct. And is it for this, that Mr. Clarke thinks it justifiable for a few powerful men, if they be so, to combine together to hunt down Mr. Buckingham from society, and proscribe all who should countenance him, than which nothing is more repugnant to English law, or more abhorrent to the spirit of Englishmen !"—Report of the Trial in the Supreme Court of Calcutta, April 7th, 1823.

The Committee will be prepared to think, no doubt, that under such aggravated circumstances as these, I did every thing in my power to show my hostility to a Government, from whom I had received such treatment, and that I encouraged my successors to do the same. The world would have forgiven me, I believe, even if that had been the case ; but while I took such steps as I thought would best secure to the other proprietors, as well as to myself, the full protection of which our property would stand in need, by placing it under the editorship of an Indo-British subject, who, as a native of India by birth needed no licence to reside there, and could not therefore be subjected to banishment for not having such licence, as I had been, I also took pains to secure the co-operation of two other assistants, and to the three parties, thus united, I issued a code of instructions, copies of which were deposited with my agents also, to see that they were carried into effect ; and in order that the Committee may see fully and fairly in what spirit these instructions were

were written, and whether my conduct was not mildness itself, contrasted with the injuries I had received, I beg to read only one paragraph, which I take from the Evidence, page 16. It is as follows :

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"As I began with the strongest recommendation to unanimity; so I would end with a repetition of my earnest desire that this be preserved unbroken, even at the greatest sacrifices of individual feeling, to promote the general harmony and common comfort of all. It will materially contribute to this, if each of the two gentlemen more especially engaged in the management of the paper be vested with the power of correcting any portion of the communications sent for the press, whether written within the office or coming from without, as by this means every security will be made against anything objectionable escaping either from the one or the other. Though Mr. Sandys, as editor, will have the task and responsibility of exercising his censorship on all that is to be published, I desire also that Mr. Arnot and Mr. Sutherland shall equally exercise the right of wholly rejecting or partially correcting, softening and amending anything intended for publication; so that nothing may appear which has not the concurring consent of all parties named. Neither of them will have a right to add a word to that which is written by the other, without the writer's consent; but each must have the right of striking out any portion of what is written by the other, whenever he may think it objectionable in any point of view. I have myself always submitted to this friendly revision of others, because I am aware that the writer of any article is seldom so good a judge of the danger or impropriety of any particular opinion or expression which escapes him in the ardour of composition, as a second or third person who exercises his cool judgment on it after it is written. I shall by this means be satisfied that nothing of undue warmth or unseasonable irritation appear; and as the great mass of the supporters of the Journal are men of high minds and noble principles, as well as persons of weight and rank in the community, I shall thus be as well assured as I could desire that nothing calculated to inflict an unnecessary pain on any class will be permitted to be published. The firm tone and independent spirit of the Journal may, of course, be maintained by all; but to prevent anything escaping that may be likely to do injury rather than good, I particularly desire that this power of censorship be permitted to be equally exercised by Mr. Sandys, Mr. Arnot and Mr. Sutherland, and that nothing be published which is not sanctioned and improved by each of them.

"I have nothing further to add, but my earnest hope that concord and unanimity will prevail among all parties; that the Journal may flourish under its present management even more than under mine; and that it may continue to be the source of private benefit to all concerned in its preparation, and of public good to the Indian Government, and the people over whom its rule is extended."

Having completed my arrangements, by thus protecting my property against any further invasion; having left these instructions with my successors; as editors; sold off all that belonged to my domestic establishment, and publicly announced my confidence in the protection of the laws, as being sufficient to secure the property I left behind me from further injury or from violation, I embarked from Calcutta on the 1st of March, and reached England on the 30th of June in the same year, 1823, arriving only just in time to prevent the sailing of our children, whose passages were taken and paid for, and whose baggage was embarked in a ship lying wind-bound at Deal, but destined to take in her passengers at Portsmouth.

As soon as I landed in England, I repaired to London, and after waiting upwards of two months to allow the India Directors to become acquainted with all the circumstances of my case, I made a mild and respectful application, first to them, and then to the India Board, not soliciting compensation for the injury inflicted, but merely asking permission to return to India, which was, in both cases, denied. The letters are so short, that they may all be read without occupying much time.

"To the Honourable the Court of Directors of the East India Company.

"Honourable Sirs,

"I was unwilling to intrude myself prematurely on the notice of your Honourable Court until sufficient time should have elapsed for all its members, collectively and individually, to become acquainted with the particulars of the alleged offence for which my licence to reside in India was annulled by Mr. Adam, the acting Governor-general, in February last. As I have reason, however, to believe that the period is now arrived when your Honourable Court is in full possession of the merits of the case, I think it proper to address you without further delay on the subject.

"My ground of complaint is, that I have been made to suffer a grievous punishment for a very slight offence; and that my banishment from India must have already produced to my affairs in that country more than sufficient evil, compared with what might be due to the fault laid to my charge.

"My request is, that your Honourable Court will take this case into your earliest consideration, and grant me a licence to return to India, there to pursue my lawful occupation, as editor of the Calcutta Journal, without being again liable to banishment from the country

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at the mere will and pleasure of the Governor-general in Council, but guaranteed in the safety of my future residence in India, subject only to the laws as administered in the Supreme Court of Judicature established in Bengal, for the express purpose of maintaining to the British inhabitants of that Presidency the free enjoyment of their legal rights.

"I have the honour to be, &c.

"J. S. Buckingham."

"London, September 3, 1823.

"To Mr. *J. S. Buckingham.*

"Sir,

East India House, Sept. 17, 1823.

"I have laid before the Court of Directors of the East India Company your letter of the 3d instant, requesting a licence to return to and reside in India, and I am commanded to acquaint you that the Court do not think fit to comply with your request.

"I am, &c.

"J. Dart, Secretary."

"To the President and Members of the Board of Control.

"Honourable Sirs,

"In conformity with the provision made by the statute 53 Geo. 3, c. 155, s. 33, I have the honour to transmit for the information of your Honourable Board copies of an application made by me to the Court of Directors of the East India Company, for permission to return to India under the circumstances therein described, with their reply; and I have to request that your Honourable Board will exercise the powers granted to you by Parliament, in providing me with that authority to return and reside in India, which the Court of Directors have refused.

"I have the honour to be, &c.

"London, Sept. 20, 1823.

"J. S. Buckingham."

"To Mr. *J. S. Buckingham.*

"Sir,

"In reply to your letter of the 20th instant, addressed to the Commissioners for the Affairs of India, I am directed by the Board to acquaint you that the application which you lately made to the Court of Directors of the East India Company for permission to proceed to India was duly laid before them by the Court, together with the decision of the Court thereupon, in conformity with the provisions of the 23d section of the Act 53 Geo. 3, c. 155, and that the Board have not thought fit to issue any directions thereupon.

"I am, &c.

"India Board, Sept. 27, 1823.

"T. P. Courtenay."

Conceiving it to be quite impossible that either the Directors or the India Board could approve of the appointment of Dr. Bryce, and yet being unable to comprehend how they could consent to visit me with so severe a punishment, if they disapproved of the appointment, for in that case I should have been merely giving utterance to their own sentiments, I made this the subject of particular inquiry; and the Committee will not wonder at my astonishment when I discovered, that so far from their approving the appointment of which I complained, they had no sooner heard of it themselves than they condemned it entirely; that they did not wait to hear of any opinions expressed of it in Calcutta before they condemned it, but that it was condemned by all parties at the Court and at the Board as soon as it became known. At first there was great difficulty in my getting proof of this; but in the Committee of 1826 we obtained from the India House an extract of the despatch sent out from England on the 5th November 1823, annulling the very appointment, for gently censuring which I was expelled the country, and refused permission to return. The document itself is contained in the Evidence, page 18; but the extract referred to is so striking and so important, that I must ask the permission of the Committee to read it here. It is as follows:

"Extract from a Letter in the Public Department, from the Court of Directors of the East India Company to the Governor-general in Council of Bengal, dated 5th Nov. 1823.

"Para. 5. In your letter of the 15th and 28th of February, the appointment of Dr. Bryce, senior minister of the Scotch church at your Presidency, to the office of clerk to the committee of stationery, has been brought to our notice. The reasons given for this appointment in the Governor-general's minute of the 27th of February are by no means satisfactory to our minds. We regard it as objectionable on general principles, that a clergyman should hold a civil office under the Government, and we see nothing in the case of Dr. Bryce to warrant an exception in his favour. We accordingly direct that, on the receipt of this despatch, the appointment be immediately revoked."

Here,

Here, then, is proof beyond all question, that my objections to the appointment of Dr. Bryce were perfectly well founded; that they were believed to be so by the very parties who had punished me for making them, since they had themselves expressed the same opinion in a graver form. This, therefore, ought to spare the necessity of any further inquiry into the merits or demerits of the particular article for which I was banished, and subjected to all the loss and suffering described, as the East India Directors have, by this act of annulling the appointment, proved the justice of my censures, by adding the sanction of their own.

While awaiting in England information as to the state of my affairs in India, every ship brought me more and more disastrous intelligence. I learnt, from various quarters, that some further blow was meditating against the property I had left behind me, though I could not distinctly learn what. I found, however, at length, that the Government in India having got me out of the country, had treacherously been preparing a secret blow, to be struck when I was gone; and this was done in the shape of an attempt to introduce an entirely new law into Calcutta, for the express purpose, as it afterwards too plainly appeared, of putting down the Calcutta Journal entirely, and annihilating all that remained of value in the only property I possessed in the world.

The first step taken by the Government was to legalize the Regulations for the press, and having them registered for the first time in the King's Court, which was done on the 3d of April 1823. Now, as it was for a pretended breach of those very Regulations that I was banished from the country, it must be clear that I was punished without having broken any law; for if they were lawful without being registered, it was utterly useless to register them again, except to give them an *ex post facto* application to my individual case.

The next step taken was to introduce two new Rules or Ordinances for licensing journals, and otherwise regulating, or rather restraining, the freedom of publication, which are so unique in the history of British legislation, that they ought to be preserved, if only to excite abhorrence at the spirit which could frame, and the power which could confirm, such arbitrary and despotic edicts. I content myself with giving only the preamble, and a paragraph or two of each. The first was dated the 4th of April 1823, and is as follows:

"Whereas matters tending to bring the Government of this country, as by law established, into hatred and contempt, and to disturb the harmony, peace and good order of society, have of late been frequently printed and circulated in newspapers and other papers published in Calcutta; for the prevention whereof it is deemed expedient to regulate by law the printing and publishing, within the settlement of Fort William, in Bengal, of newspapers, and of all magazines, registers, pamphlets, and other printed books and papers, in any language or character, published periodically, containing or purporting to contain public news or intelligence, or strictures on the acts, measures and proceedings of Government, or any political events or transactions whatever:

"Be it therefore enacted, That no person or persons shall, within the said settlement of Fort William, publish or cause to be published any newspaper, or magazine, register, pamphlet, or other printed book or paper whatsoever, in any language or character whatsoever, without having first obtained a licence from the Governor-general in Council, which licence shall be revocable at pleasure.

"And be it further ordained, That if any person, within the said settlement of Fort William, shall print or publish, or cause to be printed or published, or shall sell, vend, deliver out, distribute or dispose of; or if any bookseller or other person shall receive, lend, give or supply, for the purpose of perusal or otherwise, to any person whatever, any such newspaper, magazine, register or pamphlet, or other printed book or paper as aforesaid, such licence as is required by this rule, ordinance and regulation not having been first obtained, or after such licence, if previously obtained, shall have been recalled as aforesaid, such person shall forfeit for every such offence a sum not exceeding sicca rupees 400."

The reception of such a law as this in a British community may be well judged of. It excited, as it was so well calculated to do, almost universal condemnation. The second law was quite in harmony with its predecessor. It was introduced on the following day, April 5th, 1823. I need not read any of the clauses except the last, and will only say, that the previous clauses give power to the magistrates to enter any houses where they had even strong presumption to believe that printing materials were to be found, to seize and attach them, and by summary process to fine the offenders 1,000 rupees, or 100*l.* sterling each; and in default of payment, to commit them to the common gaol. The last of the paragraphs of the second law is as follows:

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"If the Governor-general in Council shall at any time deem it expedient to prohibit the circulation of any particular newspaper, or other printed book or paper of any description (whether the same may be printed in the town of Calcutta or elsewhere), an immediate notice of such prohibition will be given in the Government Gazette. The officers of Government, both civil and military, will be officially apprized of such prohibition; and will be directed to give due publicity to the same within the range of their official influence and authority.

"Any person who, after notice of such prohibition, shall circulate or sell, or cause to be circulated or sold, or deliver out or distribute, or in any manner cause to be distributed, any newspaper, or other printed book or paper, so prohibited, shall, on conviction before the magistrate of the district in which the offence may be committed, be subject for the first offence to a fine of 100 rupees, or to imprisonment for two months; and for the second and every subsequent offence, to a fine of 200 rupees, or to imprisonment for four months."

These, then, are the laws which the Government of India were determined to enforce alike on British as well as native subjects of the King, by which they would be empowered to prohibit the circulation of the Edinburgh or Quarterly Reviews, the Times or Morning Chronicle, or any publication of any kind coming from England, as well as those printed in India; the object of which no doubt was, after destroying my Journal in India, to prevent the introduction and circulation of the Oriental Herald, which I had announced my intention to publish in this country, and thus, if possible, to crush me entirely. That this effect was produced I can prove to the Committee by a very striking fact, which is this: on my first putting forth the prospectus of the Oriental Herald in London, I had copies of the announcement stitched in among the advertising sheets at the end of the Quarterly Review, so as to give it circulation wherever that work extended. On the arrival of the Quarterly Review in India, the booksellers were at first afraid to sell it with this announcement among its advertisements; and in some instances the prospectuses of the Oriental Herald were torn out before the review was deemed safe to be publicly sold, delivered out or circulated.

At length this new law came to be argued in the Supreme Court, before one of the King's Judges in Calcutta, and the proceedings occupied the entire day. Mr. Cutlar Fergusson and Mr. Thomas Turtton were the counsel who endeavoured to resist the passing of the law; and a short extract from the eloquent speech of the former will put the Committee in full possession of the views entertained by that learned gentleman on the question:

"Extracts from Mr. Fergusson's Speech, March 31, 1823.

"My Lord,

"By the leave of the Court granted to me on a former day, I am to address myself to your Lordship on behalf of Mr. Buckingham, the principal proprietor of the Calcutta Journal, against the registering of the proposed Rule and Ordinance affecting the periodical press within the town of Calcutta. Those who have been charged with the interests of Mr. Buckingham (no longer able, as it is well known, to watch over them himself) have considered that the proposed Regulation is likely most seriously to endanger the property which he has left behind him, and which is embarked in the establishment of the Calcutta Journal. I appear, therefore, with my learned friend, to be heard for the private interests of Mr. Buckingham; but on behalf of others, upon grounds entirely public, I understand by your Lordship's indulgence, we are permitted to be heard also. They are composed of most respectable individuals, inhabitants of Calcutta; one description consisting of sons of British fathers, sometimes styled Indo-Britons, the other of native Hindoos, whose names are affixed to the memorial which has just been read; all of whom consider themselves as being under the protection of British laws, and entitled to the freedom which that law has given to them, and which, in one of its most valuable privileges, they conceive will be seriously invaded should the Regulation in question receive the sanction of this Court.

"The preamble, your Lordship will be pleased to observe, does not ground the necessity or expediency of this Regulation on any facts or circumstances within the particular knowledge of Government, in respect to the state and condition of the country, or the minds and disposition of the Indian community, as actually affected by such publications; it speaks of the tendency only of such publications. If the preamble had said that such publications had had the effect of exciting in the community of India, or any part of it, anything like a feeling of discontent against the Government, &c., the necessity of this Regulation would at least have been asserted on the face of it; but, as it stands, such necessity is neither asserted, nor can be implied. Does it, I will ask, follow as a necessary consequence from the fact assumed, of publications having such a tendency being circulated, that the freedom of the press must therefore be restrained? I deny the conclusion altogether. To justify the odious restrictions sought by this Regulation to be put upon the press, it should have been shown, not only that such mischievous publications were circulated, but that the law, as it stood, was insufficient to repress them. If libels have been circulated, tending to excite

excite hatred and discontent against the Government, why have not the authors of them been brought to punishment? It is now five years since the censorship, which never had the semblance of lawful authority to support it, has been withdrawn from the press. During that period there has been one prosecution by indictment and another by information, neither of them for publications levelled at the Government. The first, indeed, was alleged to be a libel against some of its public officers. The publisher, my then and present client, Mr. Buckingham, was acquitted by a jury on that indictment; and I confess I never could but wonder how it should have been considered possible that a conviction could follow.

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"Government, by this Regulation now before the court, seek to enact, with penalties, that no person shall print or publish a newspaper, or other periodical papers, without their licence; and that such licence, when given, may be recalled at pleasure. This is the scope and substance of the Regulation. Its necessary effect will be to place the press entirely at the mercy of the Government. They are not bound to give any reason, to assign any cause for recalling, any more than for refusing the licence. It is sufficient that it is their will; so that the person who one day embarks his capital in any establishment, upon the faith of a licence which he may have obtained, may receive in the next the order for recalling it, operating as a confiscation of his property, without investigation and without appeal. It may be said, that although the licence be taken from one editor it may be given to another; but if it be necessary from day to day to change the editor of a newspaper, the property may and must go to ruin.

"But it is time that I should proceed to the second point to be considered in this case, Is the Regulation lawful? The Acts of Parliament on which the authority to pass Regulation is made to rest, by the terms of the Regulation itself, are the 13 Geo. 3, c. 36, and the 39 & 40 (in the Regulation called the 40th) Geo. 3, c. 19, s. 18 & 19. It may here be observed, that the 39 & 40 Geo. 3, does not give any authority to make Regulations which did not exist under the former Act. It only gives a power of ordering additional punishment by the 18th section, and by the 19th, it takes away the writ of *certiorari*, or appeal upon conviction, to any superior court. The authority for passing this Regulation must rest, therefore, on the words of the 36th section of the former Act, which are these: 'That it shall and may be lawful for the Governor-general and Council of the said United Company's settlement at Fort William in Bengal, from time to time, to make and issue such Rules, Ordinances and Regulations, for the good order and civil government of the said United Company's settlement at Fort William aforesaid, and other factories and places subordinate and to be subordinate thereto, as shall be just and reasonable, (with the consent and approbation of the Supreme Court, in manner therein mentioned,) such Rules, Ordinances and Regulations not being repugnant to the laws of the realm.'

"Here I make my stand, and I do contend, with the respect which becomes me before your Lordship, but with a confidence, at the same time, which nothing can shake, that this Regulation is repugnant to the laws of England, and destructive of its first and most sacred principles. I maintain that the freedom of the press is a part of the law of England; I mean the free and unrestrained liberty of publication, subject to the responsibility of the law. I shall hardly be called upon for authorities in support of this proposition; I will content myself with citing the words of a celebrated and well-known author, and which I cite not merely on account of the weight to which they are entitled as authority in such a matter, but because they express nearly all that can be said, and I need not add, better said than anything which I can say upon the subject.

"Sir William Blackstone, the author to whom I have alluded, in discussing the subject of libel, expresses himself thus: 'The liberty of the press is indeed essential to the nature of a free state; but this consists in having no previous restraint upon publications, and not in freedom from censure for criminal matter when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press: but if he publishes what is improper, mischievous or illegal, he must take the consequence of his temerity. To subject the press to the restrictive power of a licence, as was formerly done, both before and since the revolution, is to subject all freedom of sentiment to the prejudices of one man; and make him the arbitrary and infallible judge of all controverted points in learning, religion and government; but to punish (as the law does at present) any dangerous or offensive writings, which, when published, on a fair and impartial trial, be adjudged of a pernicious tendency, is necessary for the preservation of peace and good order of government and religion, the only solid foundations of civil liberty. Thus, the will of the individual is still left free, the abuse only of that free-will is the object of legal punishment.'

"Nothing in public or private life would be more convenient certainly to be able to say, 'No man shall speak or write about me who has not obtained my leave for that purpose.' Yet we do not find that in times of the greatest alarm and dismay, occasioned by the alleged licentiousness of the press, in times too of rebellion, insurrection and foreign war, such a scheme as this has ever been hinted at. In fact no minister has existed in modern times who would have dared to risk such a proposition in either House of Parliament, and if he had, his discomfiture would, I trust, have been certain; but if he had succeeded, and the proposition had passed into a law, there is a public which would probably not long have borne it. Would any man in England have hesitated to say it was repugnant to the laws of the realm? If repugnant to such laws in England, there is no power that can make it law here. There is no qualification in the words used in the 13 Geo. 3, they limit and confine the power of the Governor-general and Council, with the consent and approbation of the Court, to make rules and regulations 'not repugnant to the laws of the realm.' This was no new power

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given by the 13 Geo. 3. It had been given by the charter granted by George 1 and George 2, establishing courts of justice in this settlement. By the first of those charters, which was granted in the 13th year of the reign of George 1, being the year 1726, the Governors or Presidents and Councils of Madras, Bombay and Fort William were empowered to make bye-laws, rules and ordinances, &c., to be approved, &c., and confirmed by the Court of Directors, provided that all such bye-laws, rules and ordinances, and all pains and penalties thereby to be imposed be agreeable to reason, and not contrary to the laws and statutes of England.

"In my opinion, if there be an authority to pass this Regulation, there is a general authority to turn any act into a misdemeanor, triable by justices of the peace, and thus at once to do away with the trial by jury, and oust the jurisdiction of this Court.

"After all, will this Regulation, if passed, be effectual for the purpose for which it is intended? If there be licensed journals in Calcutta, will there not be unlicensed journals at Serampore? Who will prevent their introduction into that settlement? Will Government surround Calcutta with a *cordon sanitaire*, as has been done in France, to prevent the influx of the moral poison from Spain? These papers will be purchased and sought after with more avidity on account of their prohibition. 'A prohibited writing,' says Lord Bacon, 'is thought to be a certain spark of truth, that flies in the face of them who seek to tread it out.' Besides the introduction of such papers from the foreign settlements, which no power can prevent, I should like to know what will prevent a British subject, in the teeth of this Regulation, from setting up his press at Bhowannypore? Newspapers may be so printed and published beyond the Mahratta Ditch by a British subject, without any infringement of this Regulation, or of any existing law, or of any law that can be made by the authorities in this country; for there is no power given to them to make even rules and regulations for British subjects out of Calcutta. Their privileges and their disabilities are defined by Act of Parliament, and I contend that they have by law every right of a British subject which is not expressly taken away."

To show that the judge, Sir Francis Macnaghten, was really anxious to exempt the existing journals from any violation of property, and to protect the interests of individuals, even under the operation of this law, he says, in his judgment,

"In regard to the property which any gentleman may have in this paper, (the Calcutta Journal,) in the first place, I believe there is no intention to refuse a licence to any paper now printed in Calcutta. I speak from my own opinion merely; but if it be not the case, if any one entertain any apprehension of such refusal, I will assure them that a licence shall be granted to him, because I will not consent to register the rule until it be granted."

The same judge, after his return from India, volunteered to come before the Committee of 1826, where he was several days in attendance, in order to give his testimony to the effect, that had he the most remote idea that such a use could have been made of this law, as was afterwards done for the entire suppression of the Calcutta Journal, he would never have consented to register it; but, as it was, he considered the power to be wrested from its original object, and perverted to a wicked and unjust purpose.

I may add, that though the Regulation was afterwards confirmed by the Privy Council at home, in opposition to the learned and powerful arguments of Lord Chief Justice Denman and Mr. Justice Williams, who were then employed as counsel in the case, yet when, on the strength of this, the India Company sent out orders for its registration at Bombay, the two judges of the King's Court there, Sir Edward West and Sir Charles Chambers, rejected it with becoming spirit, as an infringement on the liberty of the subject, and wholly repugnant to the laws of England. Their judgment was pronounced so recently as July 1826, when all the facts and all the arguments of the preceding cases were fully before them; and it is remarkable that the Chief Justice, Sir Edward West, uses these remarkable expressions, namely, "It may be remarked, that the power of sending British subjects home from India, as it has been exercised over the press, was probably never contemplated by the Legislature;" an opinion in which all history bears him out. It was a power given merely to remove from India rival traders, under the old monopoly, and meant for commercial purposes alone; it is therefore wholly a perversion of this power to apply it to persons whose only offence is, that they entertain and express opinions not agreeable to the Government.

I beg the Committee, then, to consider the hardship of my case, in being first banished under a power evidently given for a totally different purpose from that to which it was applied; and even were it granted to punish offences through the fines, (which, however, is wholly denied,) still no one can say that my censuring an appointment, which the highest authority thought so improper that it was cancelled as soon as heard of, could be sufficient ground for the exercise of that power in my case,

case, since nothing but national danger could justify so extreme a step; and being, secondly, ruined by the destruction of all the property I left behind me, through the operation of a law which, it cannot be doubted, is wholly repugnant to the laws of England, which was never intended by the judge in Bengal who registered it, to be applied to such a purpose, and which was rejected as wholly inadmissible by the judges in Bombay. For myself, I think a stronger case of hardship, not to say oppression, was never presented to any assembly of British gentlemen.

It is now, then, my duty to describe the manner in which this law was applied to effect the destruction of my property, as complained of, which I will endeavour clearly and briefly to detail. The law was registered on the 5th of April 1823; and in September of the same year there arrived from England, among the supplies of books sent out from thence to the booksellers generally for sale, a copy of a pamphlet published in London, under the following title: "Sketch of the History and Influence of the Press in British India, by Leicester Stanhope." The author of this work, having been in India as a colonel of the King's army, and filling the high and important situation of adjutant-general to the King's troops in that part of India, had taken great interest in the subject of the press, and was one of those who attended the great public meeting at Madras, to vote an address of thanks to Lord Hastings for removing the censorship in Bengal. The pamphlet consisted of 20 sections, in a convenient form for re-publishing in parts; and the editor of the *Calcutta Journal*, having read its contents, and deeming them very interesting, announced his intention to re-publish the work, section by section, in the *Journal*, till it was completed. The Committee will have the goodness to observe, that this was not a prohibited work, according to the terms of the Regulation previously quoted; no notice had been given, either in the *Government Gazette* or elsewhere, of its being objectionable to the Government in any way whatever; and therefore its re-publication could not be deemed contrary to any law. In the very similar case of the re-publication of "Sir John Malcolm's Report on Malwa," before adverted to, and which it was intended to re-publish section by section in the same way, it will be remembered that, as soon as the first section had appeared, the Chief Secretary to the Government wrote a letter to me, stating it to be the wish of the Government that no more should be published, and no more was published accordingly. So also, in the letter that appeared in the *India Gazette*, a request not to copy it was as readily attended to. In the present instance, however, not the slightest intimation was given by the Government in India, or by any of its functionaries, as to the re-publication of Colonel Stanhope's pamphlet, being against their wishes, though, had it been so, nothing would have been more easy than to have stopped it, by issuing a notice in the *Government Gazette*, prohibiting its appearance; and any publication of it, after such notice, would have legally subjected the party so publishing it to the specific fines enforced by the Regulation before quoted, or imprisonment in default of payment. But no such notice, no remonstrance, no hint, no indication, however slight, was conveyed to the editor on the subject; and he accordingly continued the publication from day to day, extending the whole over several weeks of time, as stated in the Evidence of Mr. Sandford Arnot, then a resident in Calcutta, examined before the Committee of 1826, page 19. The last section of the whole appeared on the 30th of October, and no evil was either felt, or even alleged to be created, by its publication; yet, 10 days after its close, a letter was sent from the Chief Secretary to Government, suppressing the paper entirely, and wholly prohibiting its further appearance, and assigning this re-publication, and the revival of topics that had been prohibited, as a reason for such a step. The letter is contained in the Evidence, page 19, and is addressed to Mr. John Palmer and Mr. George Ballard, the principal co-proprietors, and agents of mine on the spot. It is as follows:

"Gentlemen,

"You were apprised, by my official letters of the 18th of July and 3d of September last, of the sentiments entertained by the Governor-general in Council with regard to the repeated violation, on the part of the conductors of the *Calcutta Journal*, of the rules established by Government for the regulation of the periodical press. The editor of the *Calcutta Journal*, notwithstanding those communications, has since, by the re-publication, in successive numbers of that newspaper, of numerous extracts from a pamphlet published in England, revived the discussion of topics which had before been officially prohibited, and has maintained and enforced opinions and principles which, as applicable to the state of this country, the Governor-general in Council had repeatedly discouraged and reprobated, the extracts themselves, so published, containing numerous passages which are in direct violation of the rules prescribed by Government, under date the 6th of April last.

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"The Right honourable the Governor-General in Council has, in consequence, this day been pleased to resolve, that the licence granted by Government on the 18th day of April 1823, authorizing and empowering John Francis Sandys and Peter Stone de Rozario to print and publish in Calcutta a newspaper called 'The Calcutta Journal of Politics and general Literature,' and Supplement thereto, issued on Sundays, intituled and called 'New Weekly Register and General Advertiser of the Interior, with Heads of the latest Intelligence, published as a Supplement to the Country Edition of the Calcutta Journal,' shall be revoked and recalled; and you are hereby and respectively required to take notice that the said licence is resumed, revoked and recalled accordingly.

"I am, Gentlemen, your obedient servant,

"Council Chamber,
10 Nov. 1823.

"W. B. Bayley,
"Chief Secretary to Government."

Now let the Committee mark the difference. If the publication of the work itself had been expressly forbidden, either before or while it was in progress (and nothing could have been more easy than this on the part of the Government), the utmost evil that could have been legally enforced, would have been the specific penalty of 100 rupees for the first offence, or two months imprisonment of the offending party. But in the present instance, there was *no prohibition*. The work was permitted to appear progressively, and spread over several weeks of time; and yet, the utter *annihilation* of the property, which it cost 20,000 *l.* sterling in money, and six years of labour in time, to bring to its highest state of production, when it yielded from 6,000 *l.* to 8,000 *l.* a year of net profit, and shares in it to the extent of 7,000 *l.* had been sold on the fair valuation of 40,000 *l.* for the whole, was the punishment which the Governor thought fit to inflict on me and my co-proprietors, for an act perfectly innocent in itself, and with which I, at least, could have had no concern, as I was then many thousand miles distant, being in England at the time, and of course utterly incapable of exercising the most remote control.

But the evil, great as it was, did not end here; and further measures were taken, which led, first, to the utter extinction of all value in the materials and copyright of the paper, and next, to the accumulation of a heavy load of debt, created by these measures, and these measures alone. The proprietors on the spot, anxious of course to make the most of the property that remained, applied for the renewal of the licence, which was at first promised by the Government to be complied with. On the faith of this, the large establishment of printers was kept up, and their wages daily paid, in order to keep them together, as, when scattered in such a country as India, they are not easily gathered together again. Meanwhile, every day's delay increased the evil; for on the one hand it added to the expense incurred; on the other, it caused the subscribers to the paper to become wearied with waiting, to drop off, and to attach themselves to other papers; and the various other expenses, besides wages, continued in this manner through several weeks, and even months, without any return in receipt or profit, so changed the state of my banker's cash-account alone, to say nothing of my other engagements, that on the testimony of Mr. J. C. Sutherland, a partner in the banking-house of Alexander & Co. in Calcutta, as given in the Evidence, page 12, the floating cash-balance of 27,000 rupees, or about 3,000 *l.* sterling, which I left behind me, as cash to carry on the current daily expenses of the concern, was wholly exhausted, and the advances necessary, when this was done, made me a debtor to them in about the same sum of 3,000 *l.*, causing to me, therefore, a difference of 6,000 *l.* merely by this effect of the protracted delay on the faith and distinct promise of the Government to renew the licence, which, from day to day, and week to week, however they constantly deferred.

At length an editor having been obtained, whose control of the paper they thought safe, for, besides being a servant of the Government as a member of the Medical Board, he was the son-in-law of one of the members of the Supreme Council, namely, Mr. Harrington, so that there was every guarantee for his careful conduct; a licence was agreed to be granted, and the day fixed for the paper to re-appear, on the 1st of December 1823. This being settled, a notice of the revival was written by Mr. George Ballard, one of the partners of the banking-house of Messrs. Alexander & Co., an intimate friend of the chief secretary, Mr. W. B. Bayley, and a gentleman most devoted to the Government and its authority. It appeared to be necessary, however, to prepare the subscribers for the reception of a journal of less attraction than its predecessor, and to assign as a cause for this, the natural effect which all restraints must have to make papers subject to them less free, less varied, and less interesting. This announcement, however, so harmless as it was

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deemed then, and so innocent as I am sure it will appear to the Committee now, gave such offence to the Government, that before the first number of the revived Journal could appear, though all the copies were printed off, a letter was sent, late at night, to the office, forbidding the appearance of the Journal on the following morning, and assigning the objectionable character of the "Notice," as the sole reason for that step. The whole correspondence will be found in the Printed Evidence, page 22; but I content myself with reading here the paragraph of the Notice, especially marked for reprobation. It is as follows:

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"But it must not be concealed that the late enactments, being, from their nature, probably somewhat indefinite, have, by their influence, thrown a melancholy check on the spirit of inquiry and discussion, which seemed to promise much ultimate benefit to the country and its Government. It is not asserted that the law was intended to prohibit all inquiry and discussion; its avowed object was merely to limit it; but its effect was to intimidate many from writing at all, and to cripple the effusions of those who still ventured to indulge in the expression of sentiments at all at variance with the existing state of things."

This simple truism, put forth as an apology for the curtailed and limited correspondence which was likely to be seen in the Journal, and as mild in its expression as it was undoubted in its fact, was the only reason assigned for what may be called a second suppression of the Journal, a strangling it in its second birth, after a manner quite as arbitrary and to the full as injudicious as the first.

Another fatal pause occurred in the proceedings; when at length Dr. Muston, the son-in-law of the Member of Council named, agreed to lease the types, buildings, &c. for a year, and pay a given rent for their use, to conduct a paper of his own, for which he hoped to get a licence from the Government. This was acceded to by the proprietors of the Journal, in despair of doing anything better, and the contract was settled. But even to this the Government objected, and the reason assigned by them for the refusal to grant a licence under such circumstances, was this: that "they had no assurance but that when the contract for the year was at an end, my influence would again return, to exercise a control over the paper; and they had determined that no licence should be granted to any paper in India so long as I had any share whatever in its property, or could derive any pecuniary benefit whatever from its publication." Here then was a war, not against my principles, for I was no longer there to advocate them; nor against my person, because I had been already removed; but against my property, and that too when the distance at which I was placed rendered any control over its management utterly and entirely impossible.

Nay more, as if to leave no doubt whatever on the object of the Government, and to show that it was neither to the establishment of a paper, nor to having Dr. Muston as its editor, that they objected, but that it was my deriving any benefit from the fair and profitable use of my own property, that they wished effectually to prevent, it is sufficient for me to state, that though they refused to grant Dr. Muston a licence, as the lessee of my materials, they subsequently gave him a licence to establish a paper on his own account. This he did, by setting up a paper called, "The Scotsman in the East," printed with my types, published at my premises, and supported by my subscribers, but the profit wholly his own. He had all the advantages of the valuable copyright, or good will, which my previous labours had created, without paying a single shilling to me for their benefit. The 70 co-proprietors of the Journal in India had each a free copy of the new paper, as part of the rentcharge for the use of the materials, worth to them individually perhaps about 10*l.* a year; but I, who held not 70 but 330 shares, of equal value with theirs individually, and worth collectively nearly five times the amount, had no consideration whatever allotted to me; though it was my labour and capital entirely that had given all the value to the concern.

In bringing this melancholy history to a close, I have only further to add, that this copyright, which was literally taken from me by the suppression of the Journal, and conferred on Dr. Muston by the licence given him to print and publish "The Scotsman in the East," on the ruins of my paper, was subsequently sold by that gentleman for a sum of money to Mr. Smith and Mr. Lock, the proprietors of another paper, the Bengal Hurkaru, as proved by the testimony of Mr. J. C. Sutherland, which will be found in the Printed Evidence, p. 28, 29, 30; and that thus, when the copyright was thus wrested from me, the printing materials being of little or no value without the licence to use them, and the library attached to them not

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being permitted to be opened, the whole was sold by auction, in a place where there could be no competition, as there were no bidders, and the complete and total wreck of all I left behind me was the result, leaving me not only without any balance to be remitted to me from India, but the proceeds of the materials being absorbed in the payment of my debts, created by the circumstances described, and leaving a large amount of debts due from the concern, for all of which I am still responsible; a result brought about, 1st, by my banishment without trial; 2d, by the suppression of my Journal without process; and thirdly, by the refusal of a licence for the use of my presses and materials, so long as I had any property in them.

If the Committee consider that the article I wrote on Dr. Bryce's appointment deserved the first punishment, the re-publication of Colonel Stanhope's pamphlet the second, and the notice of Mr. Ballard for the revival of the new Journal, the third of these calamities inflicted on me; for the aggravation of this case is, that while others were the actors I am the only sufferer, and that I am punished more severely for what I did not do, and what I could not possibly have prevented others from doing; these were they who performed the deeds complained of, my fortune being annihilated, and that of others being comparatively untouched. If the Committee think I do deserve all this, then of course they will discard my claim altogether. But if I refer them to the communications sent home by the Bengal Government, which will be found in *Appendix IV.*, pages 50, 53, 54, 55, the Committee will see that this ruin was really premeditated, and that I was doomed to it before I ever quitted the country. At page 50, paragraph 67, the Governor-general admits that "cases may be well imagined, in which the banishment of an individual from India may be his total ruin;" and he says, "the call for the enforcement of such a penalty should therefore be broadly visible" before so "overwhelming a severity should be resorted to;" which "call" the Committee, I think, will agree with me was "not visible," in the slightest degree, in the case for which I was banished. At page 53, paragraph 6, the Government collectively, writing on the 15th of February 1823, apprise the Directors at home, that they have ordered me to quit the country; and they add in that part of the despatch this emphatic paragraph. They say,

"Your Honourable Court will observe, that Mr. Buckingham signifies his intention of placing the conduct of his paper, during, what he calls, his temporary absence, in hands which are not tangible, except by process of law. Some such expedient was to have been expected. We do not apprehend much inconvenience from the execution of this threat; and we shall immediately proceed to the adoption of such measures as may be calculated to meet the case."

Now, I ask, would it not have been more candid and more manly for the Government to have said, "We will have no freedom of the press in India, as we hold it to be dangerous. At the same time we do not wish to violate the rights of property, or to inflict ruin on innocent individuals (for of course no man can be deprived of all his property without his wife and children being made participators in the evil): therefore, acting in the same fair spirit as is observed in England, when men's estates are cut up for public roads, or men's houses pulled down to improve new streets, we will ascertain the actual value of the property about to be destroyed for the public good, we will compensate the individual from whom we take it, but we will have the obstruction which it occasions removed." If they had done this, I should have had even then to complain of their preventing my acquiring that fortune which was fairly within my grasp, but I should at least have had no claim to further compensation. But, was that the frank and open course pursued by them? No; instead of this, they permit me to leave India under the delusive impression, that though my person was removed, my property would be protected by the laws, for as the law then stood it was safe from violation; and they wrote home, in a letter, dated before I leave the country, that "they have measures in progress which are calculated to meet the case," meaning to suppress the *Calcutta Journal* entirely. And in their letter of 28th of February, which will be found in *Appendix IV.*, p. 54, and which was dispatched in the very ship by which I was myself sent home, they say in effect, that they mean to keep all their measures secret until they get me out of the country. By that means they add, they shall escape my opposition, and avoid the contest which otherwise they might have to encounter; and thus having effected my "actual removal from India," they would be enabled "more effectually

effectually to strike a decided blow at the system," and accomplish "the final suppression of the mischief." These are the terms in which the Indian Government express themselves, at the very moment of their sending me out of the country, expressly for the purpose of preventing my appeal against their measures to destroy my property; and if this be not adding treachery to oppression, then it is very difficult indeed to give it any other name.

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But it is time that I should hasten to a conclusion, more especially as I have pledged myself to the Committee to bring all the facts of this long and painful history, that I should think it necessary to lay before them, or to comment on, within the compass of a single sitting, so as not to protract the proceedings over too great a space of time. I am aware of the great disadvantage which this course has been to me, because the necessity of compressing the history of all the wrongs that are spread over nearly 10 years in India, and 10 years since in this country, into an address of three or four hours in length, has obliged me of course to omit many interesting facts altogether, to abridge greatly those that I have glanced at at all, and to leave the bare and naked narrative wholly unaccompanied with those reasonings and those reflections which the facts themselves were so powerfully calculated to suggest. But I the less lament this, when I remember that I am in the hands of a Committee of independent and impartial English gentlemen, who will judge without bias or interest, and decide without favour or fear. My appeals to the India Company, though continued for several years, supported by men of the highest character and intelligence, such as Sir Charles Forbes, Sir Henry Strachery, Mr. Douglas Kinnaird, Mr. John Smith, Mr. Randal Jackson, Mr. Joseph Hume, and many others, and the last appeal so recent as only two or three months ago, when I offered to leave the matter entirely in their own hands if they would only undertake to re-open the consideration of the question in a *bono fide* determination to do justice in the case, have all been unavailing. My appeal to the House of Commons, in 1826, was rendered null and void, from the sudden dissolution of Parliament, which occasioned the Committee to break up before it had time to agree to a Report. But I feel that now at least my case must and will receive a final decision, from which there will probably be no appeal.

As to the amount of my losses, in a mere pecuniary sense alone, the Committee will see that they have been to the extent of 40,000*l.* at least, to say nothing of the large debt since incurred of 10,000*l.* more, for the greater part of which I am still responsible, and to leave out of view also all the bodily suffering and mental pain, which 10 years of unavailing struggle for redress could not fail to bring in their train. Some attempts at compromise have been made at various times, and the smaller sums of 5,000*l.* at one time, and 10,000*l.* at another, have been mentioned as payments which would satisfy me for all. But the Committee will, I am sure, distinguish between a compromise and an adjudication. There may be cases in which much less than the amount actually due, would be accepted as a composition, when the whole amount might be unattainable. But if the Committee is to determine the amount of my actual loss, and the amount of the compensation which I ought to receive, I hope they will see that justice requires they should make the one correspond exactly with the other, for instead of there being any ground for abatement on account of the length of time that has elapsed, that circumstance only aggravates the evil, and ought, if it had any influence at all, really to augment the claim. But I will leave all further observations on this topic for the present, as another occasion perhaps may offer for enlarging upon it, before these proceedings are entirely brought to a close. I desire only to show to the Committee of 1834 what were the sentiments of the Committee of 1826, or at least of its noble chairman, Lord John Russell, and I may the more readily speak of that nobleman's opinions, since he is not here present to-day to tell the Committee himself what his own convictions were after hearing the case to the end. That noble Lord attended as chairman of the last Committee, during every day but one on which it sat; and both then, and on many previous opportunities, he became intimately acquainted with the prominent circumstances of every case of difference between the Indian Government and myself. My case had been first taken up by Mr. Lambton, now Lord Durham, and brought before the House of Commons, with a power and eloquence which obtained for it all that could then be hoped for, attention and sympathy in the public mind. I may add, that Lord Durham's continued friendly attentions to me, from that period to this, satisfy me that no scrutinizing investigation, and no lapse of time, have lessened his earliest impressions as to the cruelty with which I have been treated, and my strong claim

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to reparation and redress. On Lord Durham's elevation to the Upper House, Lord John Russell did me the kindness to take up my case, and brought it before the House, in May 1826, when he obtained the Committee, of which he sat as chairman till it was dissolved, in the sudden and unexpected manner described. To show what were his Lordship's impressions after the Committee was thus broken up, I will refer to a speech delivered by his Lordship at a public meeting at the Thatched House Tavern, in the end of June 1826, a few weeks after the Parliament was dissolved; and with this I will for the present close my case.

"Lord Russell said, gentlemen, I believe that I have been requested to take the chair on this occasion because it was my fortune to present to the House of Commons a petition from Mr. Buckingham, praying for redress, and because a Committee having been appointed on my motion to inquire into that gentleman's case, I was nominated Chairman of it, and have consequently heard all the evidence which has been produced, and which, though not brought to a conclusion, still extended to considerable length, whilst the Committee sat. I am of course in possession of all the facts which were laid before the Committee; and it can be of any value to Mr. Buckingham, I am prepared to state, that having attentively listened to all that transpired in that Committee, my opinion of the hardship suffered by Mr. Buckingham is, instead of being weakened, materially strengthened by the experience and knowledge which I have thus acquired.

"With respect to the constitutional question of the treatment which Mr. Buckingham has suffered from the Indian Government, I consider that Parliament having decided on the propriety of instituting an inquiry into it, and as it probably will again come to a similar decision, it is not a proper subject for the consideration of this meeting. What we have met here to consider is, the great hardships and grievous losses sustained by Mr. Buckingham, in consequence of conduct which, so far from attaching any blame to him, is, in my opinion, highly honourable and praiseworthy, and perfectly conformable to those rules of conduct and those examples of freedom which we are accustomed to admire, and to hold up for imitation by others of our own countrymen. It is probably in the knowledge of every gentleman present that Mr. Buckingham arrived in India, with a licence to reside there, at a time when he was in the vigour of life, and in the possession of talents which would probably have enabled him to acquire a fortune in any of those various paths which it is well known India opens to a man of enterprize and ability. It happened, however, that Lord Hastings had about that period abolished the censorship of the press, and the cry of a "Free Press" resounded throughout India. This cry, so animating to the ears of a man born and bred in England, enticed and allured Mr. Buckingham; and he was induced to undertake the conducting of a newspaper, by which he hoped to promote free discussion, to advance the cause of rational knowledge, and to promote the general improvement of that great portion of the British Empire; whilst, at the same time, he consulted the interests of his own fortune. In consequence of transactions which I need not now detail, the Indian Government considered that a free press, instead of being useful, was injurious, and issued an order for the removal of Mr. Buckingham from India.

"That, however, is not the greatest hardship of Mr. Buckingham's case; the peculiar hardship is, that after he had left India, in the full confidence that the property he had left behind him was secure under the protection of the laws, it was, from no fault of his own, but a series of measures wholly originating with others, utterly destroyed, and the competency which he had acquired, by his talents and industry, was altogether overwhelmed, by one single wave, sunk and buried in the ocean. This is a case which calls for the sympathy of the people of England: they should feel that one of their countrymen, residing in a distant part of the globe, but at the same time retaining the feelings of an Englishman, and ruined for acts on account of which no blame can be imputed to him, is entitled to expect that those who happen to be placed in a more fortunate situation than himself should at least come forward to support him under his misfortunes.

"There is but one reason which could induce us to withhold our support from an individual labouring under such a calamity: this reason would exist, if Mr. Buckingham, in the course of his connexion with the press in India, had abused his privilege of communicating knowledge to his fellow-men, by converting his paper into a vehicle for personal slander, and had disgraced himself by a factious opposition, exhibiting not so much a just indignation at oppression, as malignity against those in authority; but for my own part, having lately had an opportunity of reading all the articles published in Mr. Buckingham's Journal, which were particularly found fault with by the Indian Government, I can undertake to say, that there is not one of those articles, although they must all have been written and inserted in the hurry inseparable from the publication of a daily paper, which not only does not reflect the slightest stain on the character of the writer, but are such as would do honour to any man possessing an honest zeal for the welfare of the community in which he lived, and such as there is every reason to believe were written and published with a perfect conviction on the part of the author and publisher, that he was serving the cause of truth, and was therefore entitled to the thanks of his fellow subjects, and the approbation of a wise and benevolent Government."

Veneris, 11^o die Julii, 1834.

EDWARD WILLIAM WYNN PENDARVES, ESQUIRE,
IN THE CHAIR.

Thomas Love Peacock, Esq. called in; and Examined.

614. YOU are connected with the East India Company?—I am Senior Assistant Examiner of India Correspondence.

*T. Love Peacock,
Esq.*

615. In what situation do you appear before the Committee?—I appear as a witness. The Court of Directors have no knowledge of this Committee, except from what they see in the Parliamentary Votes, and have not taken any steps upon the subject.

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616. Are you aware of the evidence that has been given by Mr. Buckingham?—Yes.

617. Have you any explanation to make with regard to that evidence?—Yes. Mr. Buckingham's statement begins with an account of himself before he became connected with the Calcutta Journal; that, I conceive, is a matter with which the East India Company in this question has nothing whatever to do. His adventures with the Imaum of Muscat and in Egypt do not concern the East India Company; if they did, I might state things that would not corroborate what Mr. Buckingham has said; and if the Committee, at any future time, should consider it of importance to inquire into the subject, I might state circumstances that would give a different view of the matter from that which has been given by Mr. Buckingham, not from the records, but from the same sources of information to which Mr. Buckingham has had recourse. The first time when Mr. Buckingham comes upon the records, in any way connected with the present investigation, is by the grant of free mariner's indentures to him, on the authority of a letter from the Court of Directors, dated 21st July 1816, to the Bengal Government. The letter of the Court is this:

The friends of Mr. James Silk Buckingham now in India have applied to us to grant him free mariner's indentures, which request we have been induced to comply with, provided you shall be satisfied by his affidavit or other documents, that he has performed the duty of a seaman for the full term of three years, and that it is his intention to follow that profession during his continuance in India.

The free mariner's indentures are here at full length. They commence with a recital, which is followed by the covenants, and the substance of the covenants is given in the margin of the indentures. The recital, after noticing the application of the party, states, in substance, that the applicant is allowed to reside in India till the licence is revoked by the home or by the competent local authorities, subject to all such provisions and restrictions as are now or hereafter may be in force with regard to persons residing in India, and subject to certain covenants, provided always, and the indentures are granted on this express condition, that in cases of breach or non-performance of any of the provisions, restrictions, covenants and agreements subject to which the licence is granted, the licence shall become void. The party accepting free mariner's indentures covenants to submit himself to the regulations of the local governments in India; not to trade contrary to law; to make satisfaction to natives or foreigners and native states for oppression, wrong and offences; not to quit India without leave; and to satisfy all debts to the Company, natives and foreigners, before departure. On this I wish to observe, that Mr. Buckingham covenanted to submit himself to the Regulations of the local government; and therefore he cannot say that any Regulation, that he did not submit to, that was made by the local government, was contrary to law. The covenant binding Mr. Buckingham to perform the conditions on which the indentures were granted is this:

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The said James Silk Buckingham, from the time of his arrival at either of the presidencies of the said United Company in the East Indies, shall and will behave and conduct himself from time to time and in all respects conformably to all such rules and regulations as now are or hereafter may be in force at such presidency, or at any other presidency in the East Indies, where he the said James Silk Buckingham may happen to be, and which shall be applicable to him or his conductor, and which he ought to obey, observe and conform to.

I wish also to read an extract of the Act of Parliament upon the subject, with respect to persons residing in India by licence. The Act of 53 Geo. 3, c. 155, sections 35 and 36, states,

Provided also, and be it further enacted, That all persons who shall proceed to the East Indies shall, upon their arrival at any place within the limits of the said United Company's Government, be subject to all such rules and regulations as now are or hereafter may be in force within those limits.

And, the Act continues,

Provided also, and be it further enacted, That if any person having obtained a certificate or licence from the said Court of Directors authorizing such person to proceed to the East Indies, shall at any time so conduct himself as in the judgment of the Governor-general or Governor of the presidency within which such person shall be found to have forfeited his claim to the countenance and protection of the Government of such presidency, it shall and may be lawful for such Governor-general or Governor, by order, to declare that the certificate or licence so obtained by such person shall be void from a day to be named in such order; and from and after such day so to be named in such order, such person shall be deemed and taken to be a person residing and being in the East Indies without licence or authority for that purpose, and may be sent forthwith to the United Kingdom, any matter or thing whatsoever to the contrary notwithstanding.

Mr. Buckingham's connexion with the Calcutta Journal, which he states to have originated from a request of Mr. J. Palmer, is connected with a piece of anterior history respecting the Calcutta press, which is of importance to the subject. Before entering on this point, however, I will first read a short paragraph from a letter of the Governor-general in Council, dated the 31st December 1794, to show the Governor-general's general power of deportation.

Your Honourable Court has been duly advised that I have thought it expedient to send to England by the ships under dispatch some Europeans of bad character. Unless measures of this nature were occasionally adopted, the settlement and country would be over-run with profligate characters, over whom the law has not sufficient control.

I do not mean to apply that to Mr. Buckingham, but to show that the Governor-general was not bound to prove in detail the charge of those particular persons being profligate characters. He did not choose that they should reside in India, and he was not bound to prove his objections.

618. Did the Governor-general in that case report the names and circumstances, and the causes of their being sent home, and is that the usual course adopted upon similar occasions?—Yes. Now, to look to the state of the press anterior to Mr. Buckingham's connection with the Calcutta Journal. On the 17th January 1823 a letter, which I shall notice again in its proper place, was addressed by the Court to the Board of Control with reference to the licentiousness of the Calcutta press at that time, and calling upon the Board to co-operate with them in adopting some effectual measures for the suppression of what they considered to be a great public evil. In that letter they begin by an account of the abuses of the public press at Calcutta from 1791 to 1798, and the measures to which those abuses gave rise. They mention also the principal cases which had called for the interference of Government. The first case is that of Mr. William Duane, who was sent home by the power vested in the Government in the year 1794. Then there are two or three other cases which may be passed over. The next is the case of Captain Williamson in 1798, who had published a letter in one of the Calcutta papers, which was considered by the Government to be a letter tending to excite military insubordination. He was suspended from the Company's service, and came home. He was afterwards permitted to return to India; he was not sent home in the same manner that Mr. Duane was; the particulars are stated in the letter. The next is the case of Mr. Charles M'Clellan, who was

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sent home in the same year 1798, for an offence against the Government. The next important circumstance is the imposition of the censorship. After several other instances of misconduct the censorship was imposed on the 13th May 1799. After this there were several prohibitory orders issued to the editors of newspapers, not to insert anything relating to military matters; and, two or three times, rules were laid down for the conduct of the press, and the printing-offices generally.

619. Do you know whether those were printed and circulated generally?—They were circulated to all persons whom they concerned.

The next occurrence to which I need advert, is the improper conduct of the editor of the Asiatic Mirror, Dr. Bryce. After this, in 1818, on the 28th August, the censorship was removed, and rules were laid down for the conduct of the newspapers, which the editors were expected to observe. In fact, the press was placed under severe regulations, to which obedience was required, and disobedience of the rules was subject to severe punishment.

620. What was the state of things upon the removal of the censorship?—I will read a passage from a letter from the Court of Directors to the Board of Control upon the state of the press, dated 17th January 1823.

The rules prescribed for the guidance of the editors of the Calcutta papers were reported to the Court of Directors in the public letter from Bengal, dated 1st October 1818 (para. 78); but no reasons were assigned for the change of system, either on the consultations of Government, or in the despatch to the Court. The Court having been desirous of replying separately to such part of the communication from the Bengal Government of 1st October 1818 as related to the press, prepared the draft of a despatch, which was sent up officially to the India office, for the sanction of the Board of Commissioners, on the 7th April 1820; and the draft has never been returned by the Board, nor has the Court received any official communication respecting it.

The following extract from the proposed despatch will explain the sentiments and object of the Court in framing it:

It is clear, from the tenor of these new Regulations, and from the nature and extent of the restrictions imposed by them, that you have not intended to liberate the press of Calcutta from all control on the part of Government, although an inference even to that latitude might have been drawn from an article in the Madras Government Gazette of 12th August last, purporting to be an answer of the Governor-general to an address from the inhabitants of Madras. The only question therefore is, whether the new system of control is likely to prove at once equally efficient with that which is supplanted, and less inconvenient to individuals. After the fullest consideration which we have been able to give to the subject, it is our decided conviction, that neither the Government nor the public, nor the editors, will benefit from the change. With this conviction we positively direct, that on the receipt of this despatch, you do revert to the practice which had prevailed for near 20 years previous to 1818, and continue the same in force until you shall have submitted to us, and we shall have approved and sanctioned, some other system of responsibility or control, adapted alike to all our presidencies in India. The inconvenience and public scandal which have resulted from the sudden liberation of the press at Calcutta, while that at Madras continued under control, are too notorious to require particularizing here, and could not but be the consequence of so hasty and partial a measure. We do not by any means intend that the direction now conveyed to you should be understood as implying a determination on our part to maintain in perpetuity the system of previous inspection as established for the last 20 years; but we mean distinctly to show, that we cannot consent to have great change made in any part of our existing system without a previous communication to us, and a previous signification of our approval, and especially without some efficient substitution in the room of the Regulations proposed to be rescinded.

The Court then observe, in continuation of their letter to the Board:

It remains for us shortly to trace the result of the new system established in Bengal in 1818. At a meeting of the inhabitants of Madras, held on the 26th May 1819, for the purpose of congratulating Lord Hastings on the successful issue of the Pindarry and Marhatta war, it was resolved to present an address to his Lordship, in which there was the following passage: "While contemplating this important subject it must have occurred, that to the attainment of truth freedom of inquiry was essentially necessary, that public opinion was the strongest support of just Government, and that liberty of discussion served but to strengthen the hands of the executive. Such freedom of discussion was the gift of a liberal and enlightened mind, an invaluable, an unequivocal expression of those sentiments evinced by the whole tenor of your Lordship's administration." The Governor-general, adverting to this portion of the address in his reply, was represented in the Madras Government Gazette to have expressed himself as follows: "One topic remains. My removal of restrictions

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restrictions from the press has been mentioned in laudatory language. I might easily have adopted that procedure without any length of cautious consideration, from my habit of regarding the freedom of publication as a natural right of my fellow subjects, to be narrowed only by special and urgent cause assigned. The seeing no direct necessity for those invidious shackles might have sufficed to make me break them. I know myself, however, to have been guided in the step by a positive and well-weighed policy. If our motives of action were worthy, it must be wise to render them intelligible throughout an empire, our hold on which is opinion. Further, it is salutary for supreme authority, even when its intentions are most pure, to look to the control of scrutiny. While conscious of rectitude, that authority can lose nothing of its strength by exposure to general comment; on the contrary, it acquires incalculable addition of force. That Government which has nothing to disguise yields the most powerful instrument that can appertain to sovereign rule; it carries with it the united reliance and effort of the whole mass of the governed; and let the triumph of our beloved country, in awful contest with tyrant-ridden France, the value of a spirit to be found only in men accustomed to indulge and express their honest sentiments? No allusion having been made by Lord Hastings, in this communication, to the restrictions imposed by Government on the press, by its orders of August 1818, it seems to have been inferred, at least by some of the editors of papers, that it was not intended to enforce those restrictions.

I will now proceed to the history of Mr. Buckingham's editing the Calcutta Journal; and I shall begin by noticing the article respecting Governor Elliott. I will read an extract from a public letter from Bengal, dated the 5th August 1819:

On our proceedings of the 25th June, your Honourable Court will observe a Minute recorded by the Governor-general, comprising a copy of certain paragraphs which had appeared in the 95th number of the Calcutta Journal, of a highly offensive nature. The extract contained a wanton attack upon the Governor of Fort St. George, in which his continuance in office was represented as a public calamity, and his conduct in administration asserted to be governed by despotic principles and influenced by unworthy motives. The Governor-general accordingly suggested the expediency of ascertaining from the Advocate-general whether the publication in question amounted to a libel, and in such case whether in his judgment it would be advisable to institute any and what legal proceedings against the publisher. We entirely concurred in the measure proposed by the Governor-general, and the Chief Secretary was directed to call upon the Advocate-general for his opinion. The report of that officer greatly discouraging the institution of legal proceedings against the editor of the Calcutta Journal, a strong objection presented itself to using, on this occasion, the extreme powers of Government by depriving Mr. Buckingham of his licence to remain in the country. The exertion of such an unusual degree of rigour upon the first transgression, which occurred after the previous censorship had been relinquished, would have appeared an act of unprecedented severity, and might have been considered a departure from the spirit of the terms announced to the editor. We thence deemed it sufficient in this instance to reprove Mr. Buckingham, the editor of the Journal in question, very austere, and to warn him of the consequences which would inevitably attend a further violation of the spirit of the instructions communicated to the editors of newspapers at the period when the Government dispensed with the obligation to which they had formerly been subjected, of submitting their papers previously to publication to the revision of an officer of Government. Mr. Buckingham in reply to this notification, expressed his contrition for the offence which he had committed, in the strongest terms, and pledged himself to avoid in future the insertion of such objectionable matter in his Journal.

With reference to that article, Mr. Buckingham stated, that the Governor-general did not interfere till he received a remonstrance from Madras. There is the Minute by the Governor-general, dated 28th May 1819, in which he lays before the Board the paragraphs reflecting on Mr. Elliott, contained in the 95th number of the Calcutta Journal, dated Wednesday, May 26th, 1819; that is, only two days after the article was published. The dates show that the notice taken of the article by the Governor-general was not caused by a remonstrance from Madras, because it was only two days after the publication of the article that the Governor-general brought it before the Board. Then there is a letter from the Government to Mr. Spankie, requesting his opinion. The proceedings adverted to in that reference, and the reply of Mr. Spankie, are sufficiently noticed in the paragraphs of the letter from the Bengal Government to the Court, and, therefore, it is not necessary to say anything upon that subject.

621. It appears that the letter sent to Mr. Buckingham from the Chief Secretary of Government is dated the 18th June. Was not that the first notice given to Mr. Buckingham?—The intermediate time was occupied in consulting the Advocate-general, whether they should prosecute Mr. Buckingham or not, but there is no ground upon the record of Mr. Buckingham's assertion, that there was a remonstrance

a remonstrance from Madras, which induced the Governor-general to take it up. There is no such remonstrance upon the records. Mr. Buckingham has read the Chief Secretary's letter to him, and his reply is also before the Committee. The next point is, comments on the conduct of the Madras Government in levying postage upon the Calcutta Journal. Those proceedings extend from January to July 1820. I will read a passage in the public letter from Bengal, dated the 31st of July 1820, on this subject:

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[*The Witness read the same. Vide Appendix IV., p. 42.*]

That letter refers to the minute by Mr. Adam, which I will read; it is dated the 27th of January 1820:

After the discussion this subject has received, and the approval by the Governor-general and Mr. Stuart of the modified orders to Mr. Buckingham, contained in the accompanying draft, which must therefore be held to convey the opinion of the Government collectively, I have no wish to retard the final disposal of the question by offering any detailed exposition of my own sentiments. But as I have not been able to discern anything in Mr. Buckingham's laboured statements to alter, but, on the contrary, much to confirm the view I originally took of the case, I am compelled to dissent from the indulgent construction now given to his procedure, and to request that my acquiescence in the draft may be taken with this reservation.

On the subject of this postage, I believe there is a great discrepancy between the real facts and Mr. Buckingham's representation; but as I am not sufficiently informed on that point, I would wish to reserve it till a future day, when I can be better prepared to speak of it. The next case is the letter signed "*Emulus*," headed "Interest and Merit," and I will read first, an extract from a public letter from Bengal, dated 2d April 1821:

[*The Witness read the same. Vide Appendix IV., p. 43.*]

In a subsequent number of the Calcutta Journal, dated the 27th August 1822, Mr. Buckingham alludes to the letter of *Emulus* as the "most violent and libellous article" that ever appeared in the pages of his paper, that it had been published only for confutation, and that the "result" of the prosecution was "as honourable to the parties prosecuting as acceptable to the parties sued."

The Advocate-general had also expressed an opinion, that the article was a libel on the Government and Administration of India, not only highly offensive in its terms but mischievous in its tendency.

The next point is the circulation, post free, of what Mr. Buckingham called "the infamous prospectus," referred to in an extract from a public letter from Bengal, dated the 1st October 1821.

[*The Witness read the same. Vide Appendix IV., p. 44.*]

On this occasion, Mr. Adam recorded a minute, in which he expressed his dissent from the view taken of the case by the Advocate-general. He considered a charge of gross injustice had been brought against the Government, which was unretracted; that the articles were a gross affront to the Government, and involved a heavy aggravation of former offences. In conclusion, he expressed an opinion that Mr. Buckingham should be called upon to apologize. Resolutions were, however, passed by the Government, declaring that further proceedings were not necessary, and assigning as a reason that Mr. Buckingham had been informed of the serious displeasure of Government, and fully warned in an official communication of the consequences of again offending.

The next case is that of the comments on the conduct of the Bishop of Calcutta, contained in a letter published in the Calcutta Journal of the 10th July. The letter is headed, "Duties of Chaplains," and signed "A Churchman, and the Friend of a Lady on her Death-bed." This letter was brought to the notice of the Government by the Bishop, and his Lordship entered into a vindication of his conduct. Mr. Buckingham was called upon to give up the name of the author of the above letter, and, in reply, he stated the author was unknown to him, and proceeded to explain the views under which he published the letter. The Chief Secretary, in reply, communicated to Mr. Buckingham the light in which the Government regarded his conduct. He was censured in severe terms, and was informed, that on again subjecting himself to the reprehension of the Government his licence would be summarily withdrawn, without any previous communication

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with him, and without any discussion. To this letter from the Government Mr. Buckingham replied, defending his own conduct in publishing the letter, and the motives of the author in writing it. Mr. Buckingham further represented, that the orders of Government placed him in an embarrassing and hazardous position, yet he would endeavour to adhere to any rules for the conduct of the press which he might be called upon to obey, whether the rules were legal or illegal. Mr. Buckingham was informed that his letter of the 27th had not effected any change in the opinion of the Government; and the Government, in reporting this proceeding in their letter to the Court of Directors, dated 1st October 1821, communicate their opinion of the letter from Mr. Buckingham, in the following terms:

We must not omit to state that Mr. Buckingham transmitted a reply to the letter above quoted, in which he employed a long detail of sophistry, professedly in vindication of his conduct, but in reality intended to uphold and maintain the principle that he was at liberty to utter what he pleased from his press, unshackled by any other responsibility or restraint than that imposed by the law on public writers in England.

The next case is the subject of an extract from a public letter from Bengal, dated 1st January 1822, which is already before the Committee. This letter refers to extracts from the Calcutta Journal of the 1st, 2d and 3d of November 1821, headed "General Summary," "Justification," "Grand Jury," "Public Functionaries," with the "Editor's Note." They were transmitted to the Advocate-general, with an intimation, that in the opinion of Government they displayed a deliberate design of obstructing justice, and that a prosecution should be instituted without delay against the editor. The Advocate-general communicated his concurrence in the views of the Government, declaring the above articles to be in the highest degree "illegal and mischievous;" and that it was necessary to have recourse to a criminal information, in order "that such attempts to overawe and disturb the administration of justice in all ordinary channels might be punished and restrained." Instructions were then given to the Advocate-general to proceed. Subsequently Mr. Adam recorded a minute, in which he brought to notice paragraphs in the Calcutta Journal, commenting on the application to the Supreme Court for a criminal information against the editor. In this minute Mr. Adam alludes, first, to a direct attack, hitherto the first that has been made, on the head of the Government, in the person of the Marquis of Hastings, than which he considers nothing can be more calculated to wound the authority of the Government, and to revolt the feelings of the better part of the community; second, he alludes to the wilful and continued misrepresentation by Mr. Buckingham of the tenor of the address of the Marquis of Hastings to the Madras community, with reference to the press; third, he describes the mischief which will result from the spread of Mr. Buckingham's principles, if his conduct should be passed over on this occasion; fourth, he represents that the seeds of mischief have already been sown, and that it is the duty of Government to exercise the power in its hands, in order to prevent their growth; fifth, Mr. Adam then alludes to a combination of persons who have banded themselves together, and act in declared and systematic defiance of the authority of Government; and he concludes by stating, that he only refrains from proposing the exertion, to its full extent, of the power possessed by the Government over Mr. Buckingham, because the conduct of Mr. Buckingham is before the Supreme Court of Judicature. On the 22d November the Governor-general recorded a minute. His Lordship admits, that by the continuance of Mr. Buckingham's proceedings seriously hurtful effects will be produced, both in the civil and military branches of the service. He alludes to the constitution of society in India, and to the mischievous effects of circumstances there which would be innocent in England. Whether, he remarks, an editor lends himself for pay to malign individuals, or follows acrimonious controversy as matter of speculation, the system is vile, and will not receive his support. His Lordship then proceeds to comment on the power of transmission, and its applicability to the present case. His Lordship next alludes to the actively perverse spirit of a "knot" of persons residing in Calcutta, attributing the intemperance of the "little confederacy" to motives of personal distinction, acquitting them of political designs, and refers to the effect which will be produced in regard to this body by the judicial reprehension their conduct is likely to suffer in the person of their "tool." Yet he would view the matter very differently could he credit a report which has been positively communicated to him, of subscriptions having been raised to support Mr. Buckingham under

under the pending prosecution; and he adds, if the allegation were substantiated he would feel himself bound "to visit the offence with the most decisive castigation." He refers also to the probable result of the judicial investigation, and expresses his concurrence in an opinion expressed by Mr. Adam, that it will not be long before Mr. Buckingham will entail punishment on himself by renewed improprieties. On the 30th November Mr. Fendall recorded a minute, concurring in opinion with Mr. Adam, referring to the abuse by Mr. Buckingham of the lenity shown him by Government, and censuring the proceedings of Mr. Buckingham generally. Then follows a letter from the Court of Directors, communicating the above proceedings. I believe there is some matter in those proceedings which has not yet been before the Committee, with respect to the little confederacy in Calcutta.

622. Was any communication made to the Court of Directors of the result of that trial?—The Court was informed that the criminal information had been filed, but it was not brought to the issue of a trial.

Mr. Buckingham having quoted the printed opinions of Sir Francis Macnaghten in his favour, I would wish to read some opinions of the same person upon the occasion of this trial, and also the opinions of the other judges.

The honourable Chief Justice (Sir Edward Hyde East) then read various portions of the letter of Richard Fubbs, which it is unnecessary to repeat again, as it has already been quoted so often. He was of opinion that this letter contained a very gross and scandalous imputation on the persons who had composed the grand jury, and had a very mischievous tendency; for the grand jury, he observed, had a difficult duty to perform, and it was certainly an offence of great magnitude to call their actions and integrity in question, but this would be a matter for the consideration of the petit jury. Any person possessed of the abilities of the writers of these papers in general must be sensible of its impropriety; and to put the defendant on his guard against falling into such errors in future, it was necessary to send the case before a jury. Without saying anything more to prejudice the case, he would conclude by expressing a hope that the defendant would be able to give a satisfactory explanation of his conduct, and clear himself to the jury when put upon his trial.

623. What is the letter referred to in that passage?—There is a series of articles referred to here which the Government did not send home, so that I cannot say what they are.

The next opinion is that of Sir Francis Macnaghten.

As to the merits of the case he would add but little. He thought the defendant had at least acted a most injudicious part, as these letters were as likely to be hurtful to himself as favourable, for they might be cited by the prosecutors against him on his approaching trial, and never could be adduced in his favour. That these publications were injudicious seemed to be admitted by his own counsel, and indeed his saying anything at all on the subject of the pending prosecution for a letter published in his paper, was to draw the whole blame upon himself, when it before rested with his correspondent.

624. Does it appear in any of the documents what the article is upon which Sir Francis Macnaghten remarks?—No, the titles only are given. I do not know which of the articles was signed Richard Fubbs, and as we have not a set of the Calcutta Journal I cannot supply it.

The third opinion is that of Sir A. Buller.

He should be sorry if the minds of the petit jury were to be biassed by its being sent to them by the Supreme Court instead of by the finding of a grand jury, but he did think that cases of this description were the proper objects of a criminal information; if the grand jury had been actually sitting, and had made application to the court for protection against attacks that obstructed them in the performance of their duty, that court could not have refused to issue an attachment against the offender. He, therefore, concurred with the Chief Justice in the propriety of granting the criminal information.

The next case is the publication of extracts from Sir John Malcolm's Report on Malwa. The first letter is a public one from Bengal, dated the 1st July 1822, which is also before the Committee. On the 32d April, the Secretary to the Government directed Mr. Buckingham to discontinue the publication of extracts from Sir John Malcolm's Report on Malwa. Mr. Buckingham requested, for the reasons he gives, that the order might not be enforced. In reply, the Secretary declined compliance with Mr. Buckingham's request.

625. And it appears that they were discontinued?—Yes. The next is the letter

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of "A Military Friend," in a public letter from Bengal, dated 19th July 1822. The letter was brought to the notice of Government in a minute by Mr. Adam, 17th May. Mr. Buckingham was required to give up the name of the author, and, in reply, he expressed a wish to communicate in the first instance with the author. On 18th May, the Government communicated to Mr. Buckingham their refusal to "compound" with him; and Mr. Buckingham then stated, that Lieutenant-colonel Robison, of His Majesty's 24th Regiment, was the author. Mr. Adam, on the 21st May, recorded a minute, in which, from experience of the feelings of a Calcutta jury, and the known opinion of the Advocate-general in connection with trials for libel, he objects to the institution of a prosecution against Lieutenant-colonel Robison. He considers that, for the good of the service, a more prompt measure than that of laying the case before the Duke of York should be taken. He argues on the impropriety of military officers, who may conceive themselves aggrieved, appealing to the public press. He brings to notice further infringements of the press regulations in the Calcutta Journal, and refers to the editor's defence of Colonel Robison's proceedings and motives, although he was aware they had been censured by the Government. Mr. Adam then proposes that Colonel Robison should be removed from his command and sent home; that the resolution should be published in general orders; also one prohibiting appeals by military officers to newspapers; and that the licence of Mr. Buckingham should be withdrawn. On the 22d May Mr. Fendall recorded a minute, expressing his concurrence in the opinions of Mr. Adam; Mr. Bayley also recorded a minute, in which he expresses his assent to the views of Mr. Adam, and states further, he would have viewed Mr. Buckingham's proceedings more leniently but for his defence of Lieutenant-colonel Robison. On the 23d May, resolutions were passed in Council declaring the letter of Colonel Robison to be false and slanderous, and calculated to mislead the inexperienced. If Lieutenant-colonel Robison acknowledged himself to be the author, it was also resolved he should be declared incapable of being placed in any situation where an important trust might devolve upon him. On the 1st June the Governor-general recorded a minute. An allusion is made by him to the circumstance of his colleagues having recorded their opinions without having communicated their intention to him. Arguing upon general grounds, he considers the power which Government possesses of transmitting a person from India should not be put in force against Mr. Buckingham in the present instance. He also thinks the proceedings against Lieutenant-colonel Robison will have a salutary effect on the conduct of Mr. Buckingham. His Lordship notices two letters which he has received from Mr. Buckingham, from which he derives hope of Mr. Buckingham becoming cautious in future. These letters are dated 27th and 29th May 1822. On the 8th of June the proposed general order, forbidding military officers from appealing to public newspapers, under the penalty of the Government's displeasure, was published. Mr. Adam recorded a minute on the 13th June, referring to the numerous offences committed by Mr. Buckingham; to the manner in which they had been met by him; to the repeated warnings he had received; and to his continued abuse of the leniency of Government. Mr. Adam felt convinced of the improbability of amendment on the part of Mr. Buckingham. On the 9th June, Lieutenant-colonel Robison addressed a letter to the Secretary to Government relative to the resolutions of Government, dated the 23d May. On the 2d July instructions were issued to place Lieutenant-colonel Robison under arrest on his arrival at Bombay, and to bring him to a court-martial in consequence of his letter of the 9th. Lieutenant-colonel Robison was brought to a court-martial. He was found guilty on all the material charges which were preferred against him, and sentenced to be reprimanded. This sentence was censured by the Commander-in-Chief in India. It was also censured by his Royal Highness the Duke of York, by whom the feelings of the court-martial to Lieutenant-colonel Robison personally were considered to be lenient, dangerous and improper. Lieutenant-colonel Robison's conduct was also censured in severe terms, as being subversive of discipline. With the permission of the Committee, I will read a general order of the Commander-in-Chief, which is dated the 8th June 1822.

The Commander-in-Chief has observed, with great dissatisfaction, a practice indulged by officers, or by persons assuming that character, of addressing anonymous complaints to the public through the newspapers respecting imagined professional grievances. It is visible the reader cannot assure himself that any particular case so stated is not fallaciously represented, through the inexperience, the miscomprehension, or the personal views of the

writer;

writer; consequently the appeal is essentially devoid of any possible utility. But it is obvious that in this procedure the legitimate sources of redress are neglected; so that the purpose must be to give a general impression of inattention, oppressiveness or injustice in those with whom the superintendence of such concerns is lodged. The extreme mischief and improbity of these endeavours have probably not been perceived by the writers, whom the Commander-in-Chief is willing to regard as having yielded only to a momentary inconsiderateness. The habit, however, of an officer's thus casting off his just and requisite dependence on his military superiors must not be permitted. The Commander-in-Chief therefore, in the strictest manner, prohibits officers from sending to the newspapers any such anonymous representations as are above described. Should a letter of that nature henceforth be traced to any officer, (and means will be taken to make the discovery almost inevitable,) the Commander-in-Chief will immediately submit to the Governor-general in Council the necessity of suspending the individual from duty and pay, while a solicitation is made to the Honourable Court for his entire removal from the service.

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The reason for which I mention this is, that one of the great grievances of the Calcutta Journal in the eyes of the Government was its tendency to excite military insubordination.

626. Was this general order published in the Gazette?—Yes. The next points to which I shall refer are the strictures in the Calcutta Journal on the appointment of Dr. Jameson, and the discussions in the Calcutta Journal respecting the press. This is a letter from the Bengal Government, dated 17th October 1822.

[The Witness read the same, as follows:]

We have the honour to transmit, for the information of your Honourable Court, the enclosed copies of Minutes recorded by the several members of Government relative to the state of the press, European and Native, at this presidency.

Being of opinion that the subject is of material importance, we request the early attention of your Honourable Court to the accompanying documents, submitting to your judgment the consideration of adopting measures with the view to your Governments in India being enabled to exercise a more efficient and decided control over the press in India than they at present have the power of exerting.

As these proceedings are voluminous, I will read an abstract of them. In a minute recorded by Mr. Adam, he traces the progress of the party banded to oppose the Government, proceeding by cautious steps, and at length attacking by name a servant of the Company, Mr. Jameson, and making the appointment conferred on Mr. Jameson the subject of a distinct charge against the Government. The Government must therefore be prepared, Mr. Adam expresses his conviction, for attacks on the part of a newspaper arrogating to itself the right of correcting public abuses, and of exercising a check over public authorities. The appointment of Dr. Jameson he defends, and adverts to the circumstance of Mr. Buckingham having substantially retracted every material part of his original statement on the subject. Mr. Adam proceeds to deny the right of the European community to control the Government; and states that the effect of such an assumption of power on the part of the European community, will be to weaken the powers of the Government, and to excite party animosity. The truth of the general proposition that a government derives strength by having its proceedings discussed, is combated with reference to India. He denies the right of the military to discuss the measures of the power they are bound to obey, and alludes to the bad effects the exercise of this assumed power has already produced; nor have the civilians, he maintains, any more right to interfere with the measures of the Government than the military. The commercial body, though containing respectable individuals, does not, in his opinion, constitute a controlling public, as the members of which it is composed reside in India merely upon sufferance. The evils of a free press in disturbed times are pointed out. The true sources of control over the Indian Government, are, he argues, vested in the constituted authorities in England, with the Parliament and the public voice. Freedom of the press, Mr. Adam proceeds to state, will excite private dissention, which is to be guarded against by a paternal Government, and the case of Mr. Jameson, which led to a duel with Mr. Buckingham, and other cases, are adverted to in corroboration of the above opinion. The progress of the evil, he is of opinion, might however be arrested by putting the power of Government in force against the "chief offender," and by pursuing a suitable line of conduct towards the other leading individuals of the party, who have banded themselves together to oppose the Government. The remedies Mr. Adam would propose are the reinstitution of the censorship, or the introduction of a licensing enactment. In this minute Mr. Adam confines himself to a review of the effects of a European press, uncurbed by restrictions. I now proceed to the discussions

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respecting the freedom of the press contained in the Calcutta Journal. The discussions were continued in the Calcutta Journals of the 22d, 27th, 29th, and 31st August. In the course of the article in the Journal of the 31st August, the press regulations are declared to be merely waste paper; and it is asserted that the Supreme Court would not confirm any regulation taking from Englishmen the natural right of publication; and derisive comments are also made on a circular letter of the 27th, which had been issued by the Government forbidding the insertion by editors of newspapers of articles offensive to native powers. On the 1st September Mr. Adam recorded a minute, in which he brought to the notice of Government the article in the Calcutta Journal of the 31st of August, which he strongly censured. That was the article declaring the press regulations to be merely waste paper, and he proposed that Mr. Buckingham's licence should be withdrawn, or else that a solemn and final warning of the consequences of his proceedings should be given him. On the 5th September a letter was addressed to Mr. Buckingham. In this letter, which was the last communication from Lord Hastings's Government to Mr. Buckingham, he is informed, that his doubts of the power of the Government to remove a licensed person from India are characterized by a mischievous suppression of facts; that the grossly disingenuous description he has given of the power vested in Government requires no comment; and that the minor indecencies of the Calcutta Journal do not require in this instance to be particularized. The point at issue is stated to be, whether the opinion of an individual, or the law, shall prevail. He is warned that on any disregard of "any official injunction, past or future, from the Government, whether communicated in terms of command, or in the gentler language of intimation, his licence will be immediately cancelled, and he will be ordered to depart forthwith from India." Mr. Buckingham, in reply, addressed a letter of defence and explanation to the Government, and he concluded by declaring the question of a free press to be at end, and that any opposition on his part to the will of the Government would be unavailing.

On the 7th October 1822, the Governor-general recorded a minute. He adverts to the minute of Mr. Adam, and alludes to the evil that results from a despotic sway. He states his idea of public opinion, which, I must observe, he confines with respect to India to the European circle at the presidencies. In this minute the Governor-general expresses an opinion that Mr. Adam's idea is erroneous, and that the humblest Briton has claims for his sensibility to be respected. His Lordship admits there is in Calcutta "a little faction," "a mischievous set," which endeavours to weaken the curb of the law. He does not consider their motives political, but to arise from vanity and disappointment; but he thinks it would be desirable so "perverse a confederacy" should be crushed. Yet in effecting this object, he is of opinion caution must be used, or Government may be betrayed into playing the game of the "little confederacy," of the "mischievous set" before alluded to. The Governor-general adds, that Mr. Adam knows as well as himself that Mr. Buckingham is a "mere instrument," in the hand of the faction; that an intemperate exertion of power against Mr. Buckingham will serve their cause, and that result will be produced, he considers, by enabling the faction to select an Anglo-Indian to succeed Mr. Buckingham as their instrument. By the enactment of the press rules, the Governor-general says, he hoped to have put the press on a sound footing, but he has been defeated by Mr. Buckingham, or rather by the petty faction of which Mr. Buckingham is the tool. The Marquis of Hastings dissents from the opinion of Mr. Adam respecting the appointment of Mr. Jameson. He does not admit himself to be indifferent to the abuses of the press, again refers to the danger of playing into the hands of the faction, and concludes with the intimation which has already been made of the probable appointment of an Indo-British editor to succeed Mr. Buckingham. Mr. Fendall recorded a minute, agreeing in opinion with Mr. Adam; he considers the existence of the evil to be admitted by all parties, and that the only difference in opinion is with regard to the remedy. If a substitute for Mr. Buckingham can be so soon found as is supposed, he thinks the best plan would be to meet the difficulty at once by having recourse to the proposed licensing system. On the 10th October, Mr. Bayley recorded a minute. After reviewing and defending the appointment of Dr. Jameson, Mr. Bayley states the reasons which led to the removal of the censorship, and the substitution for the censorship of the press rules. It was, he says, because the Government possessed no power over natives, and had been defied by an Indo-British editor. Appeals to the law he considers a very uncertain process, on account of the excited feelings which prevail among the class of individuals from which the petty juries in Calcutta are formed.

formed. He states the number of Europeans, not in the Company's or King's service, and beyond the limits of Calcutta, who arrogate to themselves the privileges of the British public, at about 300. He anticipates the bad effects which will be produced amongst the natives in the army by acts of insubordination on the part of the Europeans, and by the conduct of the Government towards them being misrepresented. Admitting, however, that the European part of the press might be free, Mr. Bayley proceeds to argue that it would be most dangerous to give freedom to the native press, because it would be introducing an institution of civilized society into a less enlightened state of society. Eventually, however, proper preliminary measures having been taken, he considers the press may be beneficial. He considers the licensing system proposed by Mr. Adam to be highly desirable. Mr. Bayley then reviews the papers published in the native languages, one of which represents Mr. Buckingham to be a censor over the Government, appointed by the King of England, and adverts to the licentious tendency of the native press generally. The above proceedings accompany a letter from the Government to the Court, which I have read. If the Committee wish to have any of the matters here referred to given at length, I will point them out in these papers.

627. The papers contain the minutes of the Governor-general, Mr. Adam, Mr. Fendall and Mr. Bayley, they all concurring in opinion?—Yes, all concurring as to the evil, but differing as to the remedy. The next proceedings are those connected with the revocation of Mr. Buckingham's licence to reside in India; the enactment of a bye-law regarding the press, and of a regulation respecting printing-presses; and the grant of a licence for publishing the Calcutta Journal. I will read an abstract of the volume of papers upon this subject. Strictures having been published in the Calcutta Journal on the appointment of the Rev. Dr. Bryce to be clerk to the committee of stationery, the Governor-general, Mr. Adam, with reference to the general tenor of Mr. Buckingham's conduct, to the repeated warnings that had been given him, and to his abuse of the lenity of Government, combined with the present offence, proposes that Mr. Buckingham's licence to reside should be revoked. The Commander-in-chief (Sir Edward Paget), after commenting in strong terms upon Mr. Buckingham's conduct, expresses his assent to the proposition of the Governor-general. Mr. Fendall also gives his assent to the proposed measure, and Mr. Harrington expresses a desire to make himself thoroughly acquainted with the case, though he does not withhold his concurrence in the opinions of his colleagues. Mr. Harrington afterwards, on the 19th February, recorded a minute, in which he states he has perused all the documents connected with Mr. Buckingham's proceedings, and gives his cordial assent to the proposition of the Governor-general for withdrawing Mr. Buckingham's licence. An order was, on the 12th February 1823, passed in Council for withdrawing the licence of Mr. Buckingham. Mr. Buckingham was apprised by the Secretary to Government of the above order, and informed, with reference to the editorial remarks, &c., "and the communications officially made to him on former occasions," that his licence will be void from and after the 15th April. On the 14th February, an article headed "Freedom of the Indian Press," was published in the Calcutta Journal, containing sneering remarks on the order of Government, and stating that the independence of the paper has been secured by the appointment of a gentleman not subject to summary punishment. This article was considered so objectionable, that a reference was made to the Advocate-general, to ascertain whether Mr. Buckingham could not be sent out of India at an earlier period than that already named. The Advocate-general replied in the negative to this reference.

On the 15th of February an article, headed "Freedom of Publication," was published in the Calcutta Journal, of a similar import to the article of the 14th. In a letter to the Secretary to Government, dated the 17th February, Mr. Buckingham stated he had resigned the editorship of the Calcutta Journal to Mr. Sandys, an Indo-Briton, and adverted to the measures he intended to take on his arrival in England.

Here I may allude to a paper, entitled "A few brief Remarks on Transportation without Trial, printed for the private information of Mr. Buckingham's friends, but neither published nor sold." In this paper Mr. Buckingham states, that Mr. Sandys, an Anglo-Indian, has been appointed editor; that he is subject only to the law, not liable to summary transportation; and that his readers may be assured the Calcutta Journal will be conducted on the same principles as heretofore, from which he contemplates an increased circulation. Mr. Buckingham invites correspondence, which, if a direct address is deemed unsafe, may be sent from the interior under cover to

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a bill of indictment may be found against him, he may perhaps traverse over until October, giving him all the intermediate time to bring the Government into hatred and contempt, and to hold it in open defiance.

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The Government had thought proper to order Mr. Buckingham (the late editor of the Calcutta Journal) to be transported to his own country. He (Sir Francis) did not think himself at liberty to enter at all into the merits of that proceeding. Sitting where he sat, it would be highly improper in him to give an opinion of any sort upon the question; it may be at least assumed that the order, in the opinion of Government, was proper. And what was the consequence? An immediate proclamation of defiance; a declaration that the paper should be continued upon its former plan, and on the same principles, because the editor to be appointed would not be within reach of the Government's immediate authority: nay, they went farther, and announced the folly and weakness of the Government in having removed Mr. Buckingham from his office, and in not having so much sagacity as to discover that another editor might be appointed who would be free from their control; and that they had aggravated the evil of which they complained, by subjecting themselves to a greater annoyance in this country, and by sending Mr. Buckingham to another, where he could be a more formidable opponent; and that they had thus, instead of being exposed to one battery, placed themselves between two fires. He asked if any Government ought to submit to such insolence and outrage, or if such a one as this could be co-existent with such a press? He declared, if the Government had been in his hands, that he should have thought himself justified in disregarding forms, and considered it his duty to subdue such audacity, if he had power sufficient to effect it. He believed, he said, that many had thought the passiveness of Government, before this occasion, culpable. For his own part, he could hardly bring himself to think leniency culpable; but he wondered that a single Calcutta Journal, published, as many of them were, with a seeming desire of subverting this Government's authority, had ever been suffered to pass the precincts of Calcutta by the Government dawk.

As to depriving men of their property, his Lordship declared himself unable to discover how this Regulation could have any such effect. He believed it was the intention of Government to license every press at present established; that he would think it unjust and unreasonable not to do so. If this was not done, he could not but consider this as an *ex post facto* law, and upon that ground he would withhold his concurrence. That he desired to have it understood he would sanction it, believing it was not to have a retrospective operation; that he believed the Government neither wished nor intended it to operate retrospectively; yet, if any alarm was felt upon that account, he had said enough to show that it was groundless. He desired, if any persons concerned in an established press had any fears upon that subject, that they might apply to him, and that he would suspend the registry of this Regulation until their licences were granted. How long they were to continue would depend upon their own conduct. He did not feel the declaration he had now made to be necessary; but he wished to quiet or to prevent all apprehensions on the subject.

As to the property of those who might have speculated upon profits to be derived from an abuse of the Government, it stood upon a very different footing. The Government is no guarantee to such an adventure. It may truly say, "*Non hæc in fœdera veni.*" The Government is free to act as it may think proper; but he hoped, if there was anybody concerned in such a fund, that he would not be suffered to benefit by his speculation. If, like other funds, it was to rise as the state in hostility was reduced, and to advance upon every defeat of the enemy, the Government being that enemy, he trusted it would not be long before we saw an end of such a stock, and of such a stock jobbing.

I have read these passages for the purpose of showing that Sir Francis Macnaghten's opinion was not so favourable to Mr. Buckingham as Mr. Buckingham has represented it to have been. Between the period that the bye-law was submitted to the Supreme Court, and the date of the registration of the enactment, it was considered necessary by the Governor-general to address an admonitory letter to the editor of the Calcutta Journal, and to require him to adhere to the press regulations, which had been repeatedly violated in the Calcutta Journal. On the 1st of April an amended set of rules for the conduct of the press was proposed by the Governor-general, and adopted by the Council. After the passing of the amended Regulations on the 3d April, Mr. Harrington recorded a minute; he adverts to the minute of the Marquis of Hastings of the 17th of October 1822, to the answer of the Marquis to the Madras inhabitants, and to the letter to Mr. Buckingham of the 5th September 1822, from which he infers that the Marquis was favourable to liberty of the press generally, but determined to uphold the rules he had established in 1818. Mr. Harrington reviews the opinions expressed by Messrs. Adam, Fendall and Bayley, in their various minutes, and quotes an opinion of Chief Justice Sir Edward Hyde East, given in November 1821, that the liberty of the press in India, if temperately conducted, might be beneficial; but, alluding to the particular circumstances of India, if otherwise conducted, it would be "like throwing firebrands

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where gunpowder lay scattered." He expresses his admiration of the liberal sentiments of the Marquis of Hastings on general grounds, but he thinks them inapplicable to India. He is of opinion that the effect of continually questioning the proceedings of Government will be to weaken its powers and to bring it into contempt. That comments of such a tendency have been made he maintains is a fact, and refers to the records in proof of his assertion. He expresses himself convinced of the necessity of restraining the press, and then brings to notice an article of objectionable tendency in the Calcutta Journal, headed "Restraints on Litigation," and comments upon it. In conclusion, Mr. Harrington states his views as to the manner in which Government should act in regard to the Licensing Act, and offers some remarks upon the Regulation for restraining the establishment of printing presses, &c.

On the 5th of April a Regulation was passed in the Judicial Department for preventing the establishment of printing presses without a licence. On the 18th April a licence was granted to Mr. Sandys, Mr. J. Palmer, Mr. G. Ballard and Mr. P. J. De Rozario, to publish the Calcutta Journal.

Having now brought down the statement to the time of Mr. Buckingham's deportation from India, I should like to stop at this point, and to point out several things to the attention of the Committee. First of all, as to Mr. Buckingham's statement on the 1st July 1834. Mr. Buckingham's observation, that with a very trifling exception all the readers of newspapers in India are well-educated English gentry, and his opinion that there are few English shopkeepers, no English artisans or labourers, no English middle nor lower classes, is contradicted by a minute of Sir Thomas Munro, which I shall presently bring to the notice of the Committee. His opinions of the dispositions of this class of the community towards the Government are at variance with those of Sir Thomas Munro, and also of Sir John Malcolm, whose opinion I will also submit to the Committee. Mr. Buckingham's opinion, that such remarks as he had made on Governor Elliott might be safely made in England, is to be met by the observation, that they could not be safely made in India, for which I refer also to the minutes I have already mentioned. His opinion, as to the reasons why the press rules were issued, is to be met by an observation made by the Court to the Board in 1823, 5th June, when they state that the censorship was removed, because it did not give sufficient power to Government, and not because it gave too much. His opinion that the press rules were of a private nature, of no force, not legally enacted, and at variance with the law of England, is to be met by the covenants which he entered into with the Company to obey all the Regulations of the local government, by the provisions of the Act of Parliament, and by the observation that the Government had power to provide for cases not included in the English laws, and that therefore these Regulations were conformable to the law of England. With respect to the remarks which he made on what would be the effect if the rules were strictly followed, I will read, in opposition to his opinion that Lord Hastings had established the liberty of the press in India, a passage from the speech of Mr. Canning on the debate on presenting Mr. Buckingham's petition in 1824, which is printed in the Oriental Herald, showing that Lord Hastings had done no such thing.

The Honourable Member for Aberdeen had observed that he (Mr. Canning) had seemed to express some surprise at a passage in the speech of the Honourable Gentlemen by whom Mr. Buckingham's petition had been presented to the House. Undoubtedly, Sir, continued Mr. Canning, I did express surprise at that passage, for it was one well calculated to excite surprise in my mind. It was the passage in which the Honourable Member spoke of the tyranny of my Lord Amherst. Such a charge was new to me, and novelty was apt to produce surprise. To hear that Lord Amherst had become a tyrant did not astonish me much less than it would have astonished me to hear that he had become a tiger. I feel, Sir, that I am bound to listen to the declaration of the Honourable Member for the county of Durham on this point with that openness to conviction which we should all preserve, even when the character of those who stand the highest in our estimation is the subject of remark. I know that power has been frequently the cause of great changes in the human mind. It is possible that it has produced a great change in the mind of Lord Amherst. The possessor of the most mild, the most gentle, the most amiable, the most forbearing nature that I ever met with may have been converted by power into a savage and ferocious spirit. Such a transformation may have taken place, but if it really has taken place, I must say that it is the most extraordinary physical phenomenon that ever came under my observation. Much misunderstanding appeared to exist with respect to the conduct of the Marquis of Hastings with reference to the press in India. It had been assumed, both in that House and elsewhere, that the Marquis of Hastings had thrown down all the guards on the press in India, that he had allowed the utmost latitude of discussion, and had almost offered prizes for disquisitions on the most delicate and dangerous topics.

topics. It was no such thing. The Noble Marquis had removed one set of restrictions on the press, but he had introduced another. When, therefore, the question came before him (Mr. Canning) at the time he was President of the Board of Control, it was a question, not whether there should be restrictions on the press in India or no restrictions, but whether the ancient restrictions which the Marquis of Hastings had removed, and which the East India Company wished to see restored, should be preferred to those which the Noble Marquis had substituted for them? The Marquis of Hastings having removed one set of restrictions, and substituted another, the draft which had been sent to him (Mr. Canning) by the Directors of the East India Company, required the restoration of the ancient restrictions.

From that draft he had thought it his duty to withhold the approbation of the Crown. It had appeared to him that, under the circumstances of the case, to restore the censorship of the press in India would be to interrupt that which might prove a very salutary experiment. It was some time in the year 1819 that accounts were received in this country of what had been done by the Marquis of Hastings respecting the press in India. It was about June 1820 that the draft by the Directors of the East India Company had been sent to him, to which draft, for the reasons he had already assigned, he had felt it his duty not to give the sanction of the Crown. That sanction he continued to withhold until the end of the same year, when he ceased to fill the office of President of the Board of Control. He repeated that his object in withholding it was his desire that the new system should be fairly tried; but really before Honourable Gentlemen bestowed any high panegyric on himself, or on the Marquis of Hastings for his attachment to the liberty of the press, as manifested on that occasion, they ought to know the state of the case. The Regulations which were established by Lord Wellesley, and which the Marquis of Hastings had found in force when he went over, ran thus:

- "1. Every printer of a newspaper shall print his name at the bottom of the paper.
- "2. Every editor or proprietor of a newspaper shall deliver in his name and place of abode.
- "3. No paper shall be published on a Sunday.
- "4. No paper shall be published at all until it has previously been inspected by the secretary of the Government, or some person authorized by him.
- "5. The penalty consequent upon the disregard of any of the above Regulations shall be the immediate embarkation of the offender for England."

Now in lieu of this censorship, the following Regulations had been established by the Marquis of Hastings, which did not, the House would see, as had been imagined, set the press at liberty altogether. The editors of newspapers are prohibited from publishing any matter under the following heads:

- "1. Animadversions on the measures of the Court of Directors and other public bodies connected with the Government of India.
- "2. All disquisitions on the political transactions of the local administrations; all offensive remarks on the members of the Council or the Supreme Court, and the Lord Bishop of Calcutta; and all discussions having a tendency to create alarm or suspicion among the native population of any intended interference with their religion.
- "3. Also the republication from English or other newspapers of any matter coming under the above heads, calculated to affect the security of the British power or reputation in India.
- "4. All scandal or personal remarks on individuals tending to excite discord and animosity in society."

Now certainly the panegyric was a little too wide which said, subject to these ordinances, that the Marquis of Hastings had intended to do away entirely with the existing restrictions upon the press, and substitute uncontrolled and unlimited discussion as a system throughout India; and I hope, continued Mr. Canning, that I shall not be going too far, when I say, give me what power you will and let me have no fear but from the press, then give me the press as regulated by the Marquis of Hastings, and I will venture to consider myself safe.

There is one circumstance which I wish to bring to the notice of the Committee connected with the Court's letter to the Board of January 1823, and before I enter into the question of the difference between the hold which the Government of India has upon public opinion and military power, I will merely observe in this place, Lord Hastings is represented to have stated that our Government in India rests upon opinion. Now, Lord Hastings has never said any such thing, except in this limited way, in one of these minutes in which he represents public opinion in India as being the public opinion of the European circle of society at the presidencies; but in others he expressly says, that the Government in India rests upon military power. Sir Thomas Munro says the same thing; he says it rests solely upon military force, and he goes into the subject at length, to show that nothing should be tolerated that would tend to produce the slightest insubordination in the Indian army; he considers that the Calcutta press has that tendency, and he points out his reasons for thinking so. Sir John Malcolm does the same. In a recent minute Sir Charles Metcalfe says, the British Government in India rests upon nothing but military force; "by force it was acquired, and by force only can it be maintained."

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I wish to go at some length into that point; before doing so I am desirous to bring one circumstance to the notice of the Committee connected with the letter of 1823. The letter of the 17th January 1823, from the Court of Directors to the Board of Control, gives the history of the press anterior to the censorship, and subsequent to the censorship, and the present state of the press, and the evils which the Court consider to attend its present state, and the absolute necessity of doing something to put it down.

628. That was the letter which the Board of Control refused to sanction?—The letter which the Board refused to sanction was a draft of a proposed despatch to India, sent up in 1820. The letter of which I am speaking is a letter addressed by the Court to the Board in 1823, calling upon the Board of Control to co-operate with them in putting down the licentious press in India. After giving a history of the press, they give the general result of their view of that history. They state what is meant by the freedom of the press in India; how the native population is divided; they state that a free press would not be desirable for the European merchants; that a free press would be dangerous in the hands of European adventurers; that the press in India cannot be monopolized by Europeans; that a free press would be injurious, not advantageous to the native population; that it would be a dangerous instrument in the hands of the half-caste; that it is not suited to the circumstances of the great mass of the native population, and particularly to the nature of the Government. They state what is the substitute for a free press in India. I will read one or two passages from this letter:

Considering the question of a free press, with reference to the native population generally, it is impossible to come to a right conclusion without constantly bearing in mind the difference between the character of the Indian Government and the character of those governments under which freedom of discussion is admissible. A free press is a fit associate and necessary appendage of a representative constitution. Wherever a government emanates from the people and is responsible to them, the people must necessarily have the privilege of discussing the measures of the government, and wherever the people choose representatives to make laws affecting their person and property, the right of animadverting on the mode in which this trust is discharged belongs of course to the party delegating it. But in no sense of the terms can the Government of India be called a free, a representative, or a popular Government. The people had no voice in its establishment, nor have they any control over its acts. Under a free government, the press is at once the organ of expressing and the instrument of enlightening and influencing public opinion. But in India public opinion cannot be said to exist. The advantages to the governed produced by public opinion in other countries under a free government are in some measure secured to the people of India by a chain of responsibility and a gradation of checks extending from the lowest executive offices in the service through the local governments, and the constituted authorities at home to the British Parliament, and through the Parliament to the people of England. The Regulations of the Indian Government, under which taxes are levied and justice is administered, are not only promulgated in India, but are regularly sent home and laid before Parliament. Every communication which takes place in India upon every public measure is placed upon record, and complete diaries of the proceedings of the local government in every department of administration being annually transmitted to the Court of Directors, the fullest information respecting these proceedings, as well as the proceedings at home to which they give rise, are at all times accessible to the public of this country through their representatives in Parliament; and the Indian Government thus becomes amenable in the last resort to a public far more enlightened than the Indian public, and accustomed, by the enjoyment of popular rights, to view with exceeding jealousy measures originating in absolute power. The Governments in India exercise a delegated authority derived from the Court of Directors and the Board of Control. The Government of India resides in this country and is of course responsible to the English public in common with the Government of England. It is in this country, therefore, and not in India, that its measures are fit to be discussed. A free press would tend materially to lower the European character in the estimation of the natives, and diminish the energy of the Indian Government. There is indeed a wide-spread and deep-rooted opinion in India, to which we owe much of our success, and the extinction of which would portend the approach of great calamity, namely, the opinion entertained by the natives of our vast superiority and irresistible power; this impression, more perhaps than any other cause, has aided the establishment and diffusion of our dominion of India, and the great advantages which have resulted therefrom to the natives, whose situation under the British Government has been pronounced by a Select Committee of the House of Commons "to be infinitely superior to what it was under their Mahomedan rulers," is justly ascribed by the Committee "to the vigour, the efficiency, and, if the expression may be allowed, the unity of its authority, which neither acknowledges nor permits divided sovereignty, but which keeps every other power in subordination to its own." But can it be doubted that the respect of the natives for our authority would be greatly diminished, and the energy of the Government impaired by a free press? What a change must the native mind undergo when they see those whom they

they have been accustomed to regard as the masters of mankind engaged in exposing their mutual foibles, misinterpreting measures about which they are only half informed, and denouncing delinquencies where none have been committed! What must the natives think of themselves and of us when they behold that power which has overthrown mighty empires, and subjugated great nations, descending to measure its strength with the editor of a newspaper, and retiring baffled and beaten from the conflict! How can a government devote its undivided energies to the great interests of the state, when it permits itself to be daily harassed and irritated by the attacks of journalists, or how can it preserve unity and vigour of action, when the press becomes at once its rival and opponent? Causes, for the most part unavoidable, have been in operation for a series of years, tending gradually to raise the natives in their own estimation, and to lower their opinion of Europeans. The liberal spirit of the British Government embodied in its institutions, the increase in the number of Europeans residing in India, the disparity in their characters and attainments, and the familiarity occasioned by closer and more frequent intercourse between them and the natives, have doubtless contributed to this change. But as the effect is matter of regret, not of congratulation, it is surely impolitic unnecessarily to assist the silent, and almost imperceptible working of the causes which have produced it, by the application of a new power, better calculated than any other both to magnify and accelerate this result; and if a period could have been selected more unfavourable than another for an experiment tending in any degree to paralyze the strength of the Government, and to increase its difficulties, it was that immediately following a war, ending in an immense extension of territory, and a corresponding accession of new subjects, with whom it has yet to make itself acquainted, and to whom it was manifestly desirable that it should at the commencement of its rule exhibit itself in an attitude at once engaging and imposing.

They go on to state their opinion.

A free press, instead of promoting the improvement of the native, would lead to insurrection and the most fatal consequences.

They state what restraints should be imposed on the Indian press. I will read the concluding paragraph:

With respect to the second objection, that the censorship cannot be extended to journals edited by half-caste and other natives, and that no check will be thoroughly efficient which does not apply to them as well as European editors, it may be replied, that it is not reasonable to abstain from applying a palliation to an existing evil because we cannot cure it altogether; that the evil so justly complained of at present does not proceed from the native, but from the European press, and that by showing the determination of the Government to check the excesses of the latter, the former may be deterred from passing the limits of moderation. In the event of the native press requiring some more effectual restraints than can be imposed upon it under the existing law, it will be necessary to apply to Parliament to enlarge the powers of the Government. Were the local governments empowered to grant and withdraw licenses to printing presses, and to put down any press printing without a licence, such a check would be universally applicable, and would even supersede the necessity of the censorship. It will be for the consideration of His Majesty's Government whether it will be more expedient now to apply to Parliament for such a remedy, or to delay the application until the necessity of it shall be more clearly demonstrated by subsequent events. But if the more comprehensive check be not immediately applied, the necessity of applying the more limited one is only the more obviously urgent.

This was the close of the letter, which was not answered before Lord Amherst went out.

I shall now produce a paper, dated the 1st March 1823, signed by Lord Liverpool, Mr. Canning and Mr. C. W. W. Wynn. This paper is as follows:

At a meeting at Fife House of the Earl of Liverpool, Mr. Canning and Mr. Williams Wynn, with the Chairman, Deputy Chairman and Mr. Bosanquet, members of the Secret Committee of the East India Company, 1st March 1823, Lord Liverpool communicated to the Secret Committee, that, after a full consideration of the minutes which have been received from the Governor-general in Council and from the Governor at Madras, and of the letter addressed by the Chairman and Deputy Chairman of the East India Company to Mr. Williams Wynn on the 17th January last, His Majesty's Servants are deeply impressed with the dangers to which the British power in India may be exposed by the growing abuse of a licentious press, unless some adequate measures of prevention are adopted.

They do not, however, conceive it to be necessary or expedient to apply to Parliament to arm the Indian Governments with fresh authority under the present circumstances. By a judicious application of powers which those Governments already possess, it appears that, during a considerable number of years, the evils which now create so much alarm were repressed at Calcutta, and up to this time have been prevented at Madras; and His Majesty's Servants are fully persuaded that Lord Amherst will direct his earliest attention, in co-operation with his Council, to the means by which, in the present altered condition of affairs, this desirable and necessary object may be again attained.

The particular measures to be adopted for this purpose, and the manner of carrying them

T. Loe Peacock,
Esq.

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into execution, must be determined on the spot, and upon a more immediate view of the actual state of things than can be formed in this country.

It is obvious that the power of removing from India any European resident, whose conduct may, "in the judgment of the Governor, be such as to forfeit his claim to countenance and protection," is the ultimate foundation on which any step which may be taken must rest for support and efficiency.

In the Governor, solely and individually, is this power vested by law, to be exercised by him, on his own judgment and discretion; nor is it for any other authority to prescribe to him what degree of delinquency shall warrant the application of this penalty.

The difficulties attending this determination are indeed such as cannot be disguised; and His Majesty's Servants are too sensible of the arduous responsibility imposed upon Lord Amherst, not to feel it their imperious duty to afford him the most strenuous and cordial support in whatever measures he may adopt, in the fair exercise of his discretion, to meet an evil so extensive in its operation, and so formidable in its consequences.

(signed)

Liverpool.

George Canning.

Charles Watkin Williams Wynn.

I shall now produce also a minute of the Secret Committee of the Court of Directors upon the same subject, dated the 4th March 1823, signed by Mr. Pattison, Mr. Wigram and Mr. Bosanquet. This minute is as follows:

We have perused with attention the minute signed by the Earl of Liverpool, the Right hon. George Canning and the Right hon. Charles Williams Wynn, in reference to the conference we had the honour of holding with them on the 1st instant at Fife House, respecting the present state of the press in India, and the necessity of imposing such restraints on its licentiousness as may be practicable. And we entirely concur in the views of His Majesty's Government, that Lord Amherst should receive the most strenuous and cordial support from the authorities at home, in such measures as he may adopt, in the fair exercise of his discretion, to meet an evil so extensive in its operation, and so formidable in its consequences, if it should remain unchecked; and the Court of Directors having, on the 17th January last, communicated their sentiments at length upon this grave subject in a letter from the Chairman and Deputy to Mr. Williams Wynn, the President of the Board of Commissioners, and His Majesty's Government not deeming it necessary or expedient to apply to Parliament to arm the Indian Governments with fresh authority under the present circumstances, and it being moreover the opinion of His Majesty's Government, and, as we have reason to believe, that of the Court of Directors also, that any minute or proceeding in this stage of the business should remain inviolably secret, we have no hesitation in acceding to the propositions contained in the minute signed by Lord Liverpool, Mr. Canning and Mr. Williams Wynn, by expressing our firm belief that they are consonant with the views of a very large majority, if not with the unanimous sense, of the Court of Directors.

(signed)

J. P.

W. W.

J. B.

East India House, }
4 March 1823. }

I will now read the answer of the Board, dated the 5th April 1823, to the Court's letter of the 17th January 1823, and the rest of the correspondence which took place upon this subject.

CORRESPONDENCE with the BOARD relating to the Press in India.

LETTER from the Right Honourable C. W. Williams Wynn to the Chairman and Deputy Chairman of the East India Company.

Gentlemen,

East India Office, 5th April 1823.

I HAVE to acknowledge the receipt of your letter of the 17th January last, upon the subject of the licentious state of the press in India, and have the honour to inform you, that His Majesty's Ministers, though deeply sensible of the weight and importance of the considerations which you have pressed upon their attention, do not think that, under all the circumstances, it would at present be advisable to submit to Parliament any measure for extending the authority of the Indian Governments to check this abuse.

I have, &c.

(signed) C. W. Williams Wynn.

LETTER from the Chairman and Deputy Chairman of the East India Company to the Right Honourable C. W. Williams Wynn.

Sir,

East India House, 5th June 1823.

WE are requested by the Court of Directors to express to you their wish to receive some official communication respecting the draft on the subject of the Indian press, which was sent to the Board on the 7th April 1820, and which has not yet been returned. Although it has been understood here that a former Board of Commissioners declined sanctioning the transmission

transmission of a despatch to India, framed in conformity with the tenor of that draft, yet we doubt not that you will agree with the Court in thinking it desirable, for the sake of official regularity, that the draft should be formally returned, and that the reasons of the Board in respect of that proceeding should be placed upon record.

T. Love Peacock,
Esq.

11 July 1834

We are, at the same time, instructed by the Court to solicit your particular attention to the letter in the general department, lately received by the Court from the Governor-general in Council, dated the 17th October last, and to the documents therein referred to. It appears from that letter that the state of the press, European and Native, at Calcutta, is such as, in the opinion of the Bengal Government, to require a more efficient and decided control than at present can be exercised. The Court attach the more importance to this opinion, because it evidently has not been rashly formed, because all the members of the Government have concurred in it, because the same unanimity exists as to the nature of the measure called for by the acknowledged exigency; and, finally, because the recommendation is accompanied with interesting information, of which the Court were not before in possession, both as to the motives of Government in removing the censorship, and as to the present state of the native press. This information they think well calculated to induce His Majesty's Government to reconsider the question of submitting to Parliament some measure for extending the authority of the Indian Governments to check the growing licentiousness of the Indian press.

When our predecessors in office addressed you on that most important subject on the 17th of January last, it was felt that, voluminous as the papers were which were then submitted to you in the Appendix to their letter, the information they contained respecting the state of the native press was very defective, and though the embarrassment of the Government consequent on the abuses of the European press had become sufficiently obvious, yet they had not then, as they have now done, suggested the means of extrication. As this defect of information doubtless influenced the decision of His Majesty's Government (communicated by you to the late Chamberlain in your letter of the 5th April last), the Court are not without hopes that the information subsequently received will lead to a revision of that decision.

Besides the fresh testimony borne by the different members of the Government to the increasing evils, social and political, experienced from the licence of the Calcutta press, the Court have learned by these advices, for the first time, the circumstances which occasioned the removal of the censorship. It appears that this proceeding was adopted, not because such a check was unnecessary, but because it was insufficient, inasmuch as it could not be enforced against editors, natives of India, and that it was intended, at the period when the censorship was abolished, "to point out to the Court of Directors this defect, with a view to obtain sufficient legal authority to control the press, when in the hands of individuals not being British European subjects." The delay which has occurred in making the application, though in some respects to be regretted, shows at least that the Government have not acted with precipitation, or from a bare apprehension of danger; but that a remedy has not been sought until the evil has become intolerable.

It further appears that there are two English journals edited by persons belonging to the class of half-caste, who, as Mr. Bayley in his minute observes, "may circulate the most licentious publications without incurring any danger or responsibility; unless they shall be so unguarded as to subject themselves to the penalties of the English law of libel; and even then, the excited state of feelings which prevails amongst the class of individuals from whom petty juries in Calcutta are formed would render the success of legal prosecutions for libel exceedingly doubtful." It is obvious also, that persons of this description, by lending their names to journals edited by Europeans, may effectually liberate the latter from the restraint to which they are apparently subjected by the power lodged in the Governor-general of sending home British subjects who may forfeit the countenance and protection of the Government. Indeed, it is not easy to conceive a more unskillful adaptation of means to an end than an endeavour to control the press by means of a power which may easily be evaded, which the person in whom it is vested must always feel the greatest repugnance to exercise, and which, if exerted, would produce all the ill effects of punishments not in accordance with public opinion; hence the long impunity of the editor of the Calcutta Journal.

The information contained in Mr. Bayley's minute respecting the native press is both new and important. There are, it would appear, four native newspapers published weekly in Calcutta, two in the Persian and two in the Bengalee language. Proposals have been circulated, at the instance, as is stated, of English gentlemen, for the establishment of a third Persian paper in Calcutta; and a native paper has appeared at Bombay.

The Persian newspapers are represented to have been made the vehicles of abusive and disparaging statements against the King and royal family and government of Oude, which have excited very deep feelings of disgust and dissatisfaction in the mind of our ally; and in the Bengalee newspapers there is said to have been much bitter and acrimonious controversy regarding the Sutte question, indicative of their having been written under European influence.

Desirous as the Court are to avoid even the appearance of discouraging any mode of diffusing useful knowledge amongst the population of India, they cannot, consistently with their sense of duty, and the responsibility attached to the trust reposed in them, refrain from expressing their deliberate conviction, that if the Government of India do not interfere to regulate and effectually control the press, the licentiousness of the press will, ere long, overthrow the Government. The measure recommended for that purpose by Mr. Adam,

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and acquiesced in by his colleagues, is one of those suggested in the letter addressed to you by the late Chairs on the 17th January last, namely, to require the proprietors of printing papers to take out licences, revocable at the discretion of Government, and to make printing without a licence a penal offence. This cannot of course be done without an Act of Parliament; but, far advanced as the session is, we are desired respectfully to convey to you the anxious and earnest wish of the Court that before its termination His Majesty's Government will use their endeavours that some provision be made for the security of the British interests in India.

We have, &c.

(signed)

W. Wigram.

W. Astell.

LETTER from the Right Honourable C. W. Williams Wynn, to the Chairman and Deputy Chairman of the East India Company.

Gentlemen,

India Board, 8 July 1823.

ACCORDING to the desire expressed in your letter of the 5th ultimo, the Board have directed the draft on the subject of the Indian press, which was sent to this office on the 7th of April 1820, to be returned, with the disapprobation of the Board officially signified thereon.

You are well aware that the state of the press has engaged my anxious attention and that of my colleagues: if no measure has been adopted with a view to the correction of the evils set forth in the despatches from India, as well as in your communications, it is because none has been proposed which would be at once practicable in its execution and efficient in its operation.

The censorship, which the draft of 1820 proposed to re-establish, is by your letter of the 5th ultimo represented as inadequate and ill adapted to the object proposed. It may well be doubted whether the objections to which it was liable originally justified its discontinuance, but they are such as, after an intermission of five years, would now render its revival extremely difficult.

With respect to the suggestion of the Bengal Government, in which you concur, that fresh powers may be obtained from the Legislature, in order to enable the Indian Government to control the press, I can only repeat the answer which was communicated in my letter of the 5th of April.

The circumstances which occasioned the abandonment of the censorship in 1819, and which are adduced in support of the demand of new powers, though now brought more fully and authentically before the Board, were not unknown to their predecessors when the draft of April 1820 was put aside, and were attentively considered by His Majesty's Government when they came to their late decision. It is true that the late advices from Bengal have furnished additional illustrations of the evil which may be eventually apprehended from the native as well as the European press; but it is also obvious that Parliament will require a stronger and more specific case of danger, as well as of the employment and failure of all the existing means of control, before it will entrust to any branch of the British Government the powers now applied for.

I feel the less regret in declining to comply with your suggestion, because there seems reason to believe that the Provisional Government of India have taken a new course in regard to the European press; and it is desirable that the effect of Mr. Adam's measures as well as the opinion formed upon the whole subject by Lord Amherst, should be known here before any further step is taken.

I have, &c.

(signed)

C. W. Williams Wynn.

LETTER from T. P. Courtenay, Esq. to Joseph Dart, Esq.

Sir,

India Board, 8 July 1823.

I AM directed by the Commissioners for the Affairs of India to return to you draft No. 204 of season 1819-20 in the public department to Bengal, disapproved by the Board, because they think that the directions which it contains are inapplicable to the present circumstances of the press in India.

I am, &c.

(signed)

T. P. Courtenay.

NO. 204.—PUBLIC DEPARTMENT.

DRAFT PARAGRAPHS proposed by Court of Directors to be sent to their Presidency at Fort William, in Bengal.

IN the 78th paragraph of your letter in this department, dated the 1st October 1818, you inform us that you have "released the editors of newspapers from the obligation hitherto imposed upon them of submitting their papers to an officer of Government previously to publication," referring us for the grounds on which this resolution was adopted to a document recorded on your consultations of the 28th August 1818, where they are represented

to be fully stated. You deemed it, in that paragraph, sufficient to remark, "that in relieving the editors from the obligation in question, it has been notified to them that they will be held personally accountable for whatever they may publish in contravention of the rules prescribed for the observance, or which may otherwise be at variance with the general principles of British law as established in this country, and that they will be proceeded against in such manner as the Government may deem applicable to the nature of the offence committed."

On the consultations to which we are thus referred for a full statement of the grounds on which your resolution was adopted, we do not find recorded any resolution whatever, much less any exposition of the motives and objects of such resolution.

The only document relating to the subject to be found on your consultations of 28th August 1818, is a circular letter, which is stated to have been written by your Chief Secretary on the 19th of that month to the editors of the several newspapers in Calcutta, in which they were respectively informed that the Governor-general in Council having been pleased to revise the existing Regulations regarding the control exercised by the Government over the newspapers, had passed certain new Regulations, to which the editors were required to conform, and by a careful observance of which they were to be exempted from the obligation of submitting their papers to an officer of Government previously to publication.

It is clear from the tenor of these regulations, and from the nature and extent of the restrictions imposed by them, that you have not intended to liberate the press of Calcutta from all control on the part of Government, although an inference, even to that latitude, might have been drawn from an article in the Madras Government Gazette of the 12th of August last, purporting to be an answer of the Governor-general to an address from the inhabitants of Madras. The only question therefore is, whether the new system of control is likely to prove at once equally efficient with that which it supplanted, and less inconvenient to individuals. After the fullest consideration which we have been able to give to the subject, it is our decided conviction that neither the Government nor the public nor the editors will benefit from the change.

With this conviction, we positively direct, that on the receipt of this despatch you do revert to the practice which had prevailed for near 20 years previous to 1818, and continue the same in force until you shall have submitted to us, and we shall have approved and sanctioned, some other system of responsibility or control, adapted alike to all our presidencies in India.

The inconvenience and public scandal which have resulted from the sudden liberation of the press at Calcutta, while that of Madras continued under control, are too notorious to require particularizing here, and could not but be the consequence of so hasty and partial a measure.

We do not by any means intend that the direction now conveyed to you should be understood as implying a determination on our part to maintain in perpetuity the system of previous inspection as established for the last 20 years, but we mean distinctly to show that we cannot consent to have great changes made in any part of our existing system without a previous communication to us, and a previous signification of our approval, and especially without some efficient substitution in the room of the Regulations proposed to be rescinded.

East India House, }
7th April 1820. }

India Board, 8th July 1823.

The whole of this draft cancelled by order of the Commissioners for the Affairs of India.

(signed) *Thos. Per. Courtenay.*

Martis, 15^o die Julii, 1834.

EDWARD WILLIAM WYNN PENDARVES, ESQUIRE,

IN THE CHAIR.

Thomas Love Peacock, Esq. called in; and further Examined.

614. IS there any thing you wish to explain with reference to your former evidence?—Before I proceed with my evidence, I wish to explain briefly the motives which influenced me in producing the Secret Minutes of March 1823. I am satisfied that these Minutes do not come within the obligations of the lawful secret oath, and that the inquisitorial authority of Parliament supersedes all obligations of secrecy, which are not contracted by virtue of secret oaths sanctioned by Act of Parliament. I consider all other such obligations as obligations of courtesy and

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T. Love Peacock,
Esq.

11 July 1834.

T. Love Peacock,
Esq.

15 July 1834.

T. Lave Pearce,
Esq.

16 July 1834.

confidence; and whenever obligations of courtesy and confidence have come into collision with the administration of justice, it has never, I believe, been questioned that the former should give way; and I conceive they must equally give way, if they impede the vindication of the policy of a great and most important Government, and the vindication of the characters of those by whom it has been administered.

I consider the Minutes of March 1823 to have been a compact on the part of the principal functionaries of His Majesty's with those of the East India Company's Government at home, and with the newly appointed Governor-general of India (who sailed from England in about a fortnight after their date), by which the latter was assured of the strongest support from the former in any measures which he might adopt, within the full compass of his lawful authority, to put down the licentiousness of the Calcutta press; and I consider that that compact is broken when His Majesty's Ministers do not, on any attempt to re-open this question in Parliament, meet it *in limine* with an avowal of their unalterable adherence to that line of policy which those Minutes prescribed. When those Minutes were made matters of record, it must have been contemplated that circumstances might arise which would justify or compel their production; for if it had been intended that they should remain inviolably secret to the end of all time, they would have been destroyed rather than deposited amongst the secret records which are continually made accessible to new authorities, who exercise their own discretion as to what shall remain or ought to remain secret.

In my former examination I read an extract from the despatches, respecting some persons who were deported in 1794. I was asked whether, upon that occasion, the Government stated the circumstances; I have brought now an extract from the military letter which states the circumstances, and which, with the permission of the Committee, I will read. The following is the extract:

"A person of general bad character, named William Hill, endeavoured in June last to pass the station of Chunar, under the sanction of an old pass, granted in 1791 to Richard Mathews, whose name he assumed; but the imposition being discovered by Colonel White, who commanded at Chunar, he stopped him, and reported the circumstances through the Commander-in-chief for our orders. We immediately directed that Mr. Hill should be sent in custody to the presidency; and finding, on his arrival here, that he had no licence from the Company, we resolved on sending him to Europe, and instructed him to prepare for his departure by the first opportunity. He has, however, been since delivered over to the sheriff, in consequence of a writ of *ne exeat regno* having been issued against him, at the suit of Messrs. Joseph Baritto and Joas D'Abrew, whose attorneys applied for his delivery to the sheriff, and we understand that he is still in the latter's custody.

"We have further resolved to send to Europe two men of notorious bad character, named Martin, a foreigner, and John Adams; for a description of whom we beg to refer to a report from the town adjutant, recorded in our proceedings of the annexed date. The former only is yet in custody; but we have taken means to apprehend the latter, who is stated to be at Bhaugulpore."

These proceedings received the approbation of the Court of Directors.

I will also lay before the Committee an opinion, as to the powers of the Governor-general, and of the Governors of the presidencies of Madras and Bombay, to deport persons from India. This opinion is dated Lincoln's Inn, 12th February 1823, and is signed "R. Gifford, J. S. Copley, and J. B. Bosanquet."

"We do not think it necessary for any of the Company's Governments withdrawing a licence from a person residing under a licence in the usual form (which is revocable at pleasure by the terms in which it is framed) and sending him to Great Britain, or, in case of sending home an unlicensed person, to assign any cause for such an act.

"But where an order is to be made by the Governor-general, or Governor of a presidency, avoiding a certificate or licence under the authority of the 53d Geo. 3. c. 155, s. 36, we think that such order should expressly state, that the person to whom the order applies has so conducted himself as, in the judgment of the Governor-general or Governor, to have forfeited his claim to the countenance and protection of the Government.

"In case of an action for maliciously ordering home any such person, it would not, in our opinion, be necessary for the defendant to give evidence of the conduct which induced such step, or to show probable ground for considering that the person sent home had forfeited his claim to the countenance and protection of the Company's Government."

With respect to Mr. Buckingham's statements on the subject of his postage contract, I said I was not fully prepared to speak to that point, the other day; I have now with me a memorandum upon that subject. I may state briefly, that the Government directed the Postmaster-general to make an agreement with Mr. Buckingham to circulate his papers postage-free through the Bengal presidency,

and

and the Postmaster-general mistook the Government, and authorized them to be circulated through all India.

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The Postmaster-general at Madras, however, after a "few numbers" of the Calcutta Journal had been allowed to pass post free through the Madras territories, stopped the paper at Ganjam, and charged it with postage. Of this circumstance, and also that a similar measure had been adopted at Bombay, Mr. Buckingham complained to the Bengal Government. Subsequently, on Mr. Buckingham's requesting to be relieved from the prejudicial effects to which he was subjected by the misunderstanding on the part of the Postmaster-general at Bengal, the Bengal Government directed that a new arrangement on the subject should be adopted, and also directed that a proportionate reduction should be made in the amount of the postage which Mr. Buckingham had contracted to pay upon the supposition that the paper was to pass free throughout India. I wish to observe, also, upon this subject, that, although the directions of Government to the Postmaster-general to alter the agreement were dated before Mr. Buckingham's article in the Journal commenting upon the Madras Government, the orders of Government upon the subject were not communicated to Mr. Buckingham till afterwards, although they were issued before, so that he did not know them before that article was written.

615. It appears, in page 11 of No. 4 of the papers before the Committee, that the bill for the law expenses, incurred in the case of the Government against Mr. Buckingham, is stated at 2,587*l.* 4*s.*; can you state whether that is the real amount?—The real amount is 2,587 rupees 4 annas, being, in English money, about 258*l.* 14*s.* 6*d.* Before I proceed to the points subsequent to Mr. Buckingham's deportation, I wish to read some extracts from a pamphlet, printed in India, entitled "A statement of facts relative to the removal from India of Mr. Buckingham, late editor of the Calcutta Journal." This pamphlet contains Mr. Adam's reasons for sending Mr. Buckingham away. It is in an anonymous publication, which has always been understood to be Mr. Adam's, and it may be safely taken for granted to express his own sentiments.

616. Was it circulated in India?—It was circulated among his friends, and copies of it were sent home to England. This is a copy which was sent home to the Court of Directors. My reason for reading Mr. Adam's explanation, in this form, is, that it expresses his sentiments in a much shorter way than they are expressed in the official records. Mr. Adam observes:

"After the final warning, however, given to Mr. Buckingham, in the chief secretary's letter before alluded to, it might certainly have been expected that he would either have relinquished or transferred to other hands the management of the Calcutta Journal, or, in the event of that proving inconvenient, have at least conformed to the official injunctions of the Government, which he had so repeatedly pledged himself to obey; but the result proved that Mr. Buckingham would do neither. During the remaining part of Lord Hastings's administration there appeared, in almost every successive number, some new attack on the measures and character of that nobleman; and the same disposition, to assail with indiscriminate abuse everything that did not square with Mr. Buckingham's views and opinions, was evinced during the period that followed his Lordship's departure from India. In the course of this direct and open defiance of the supreme local authority, Mr. Buckingham, in his Journal of the 8th of February last, published a paragraph, animadverting on an appointment made by the Governor-general in Council, in language so gross and insulting, that the Governor-general felt it an indispensable obligation of his public duty to bring the conduct of Mr. Buckingham distinctly under the notice of the Council-board, and to propose his expulsion from the country as the only effectual mode of putting an end to his mischievous career. It appeared very evident that Mr. Buckingham was acting on a systematic plan, and trying the length which he and his abettors might go with safety in establishing an organized opposition to Government. The publication in question, on the recent appointment made by Government, could only be regarded as an attempt on Mr. Buckingham's part to ascertain whether he might, under the existing Government, continue to take those liberties in which the forbearance of the late Governor-general enabled him to indulge. The necessity of repressing that spirit was manifest from all that had happened since the commencement of the Calcutta Journal. It was quite clear, that, if not stopped, the evil would extend to many other public acts, and to every branch of the service; and there appeared no other measure so well calculated to stop it as that proposed by the Governor-general. The removal of Mr. Buckingham from the country will not seem, to those who take a comprehensive view of the subject, to be a measure of severity disproportionate to the offence. If the publication in question had been an insulated act, or ascribable to inadvertence or want of due appreciation of the consequences, that supposition might be admitted; but viewing it, as it must be viewed, in the light of a deliberate and advised insult to the authority of Government, and bearing in mind the numerous recorded instances of pardoned offences, and the repeated warnings given to Mr. Buckingham of the consequences of his persisting in his course of opposition and defiance, it

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will be admitted that the objection loses all its force. Besides, expulsion is the only mode of punishment with which the Legislature has armed the Government against such assaults on its dignity and authority; and the Governor-general conceived that, in proposing to exercise that power in the instance here alluded to, he was using it strictly as a shield, and not as a weapon of offence. It cannot be supposed that the Governor-general could have any disposition to adopt a measure of unnecessary severity against any individual however culpable; and circumstanced as he then was, his inclination must have been that the probably short period of his administration should not be marked by any unusual exertion of authority. But in a clear case of expediency, it was incumbent on him not to shrink from the exercise of a power which he had on more than one occasion pressed the late Governor to use for the public good, nor would he submit to compromise the public interest by sanctioning the unrestrained indulgence of a spirit which must produce the most extensive evil, or by suffering the Government to be defied and insulted with impunity while he was at its head. Influenced by these considerations, the Governor-general proposed, in conformity to the intimations repeatedly made to Mr. Buckingham, to withdraw his licence for residing in India, which proposition was unanimously approved of by the Board, and the provisions of the law applicable to such cases were put in force against Mr. Buckingham. Accordingly, Mr. Buckingham was apprised by the chief secretary of this resolution of Government on the evening of the 12th of February, and on the morning of the 14th he published a 'Notice to the Friends and Supporters of the Calcutta Journal,' under the head of 'Freedom of the Indian Press; Banishment without Trial for Truth without Disguise;' in which, after publicly and grossly insulting the Governor-general personally, in language the most studiously degrading and contemptuous, he informs them that the date of his banishment from India was fixed for the 15th April, that arrangements would be made to secure the shareholders in the property of his paper the realization of all the prospects held out to them, as far as pecuniary profits were concerned; that the readers and supporters of the paper would henceforth be sure of a more abundant flow of information and amusement than they had hitherto been able to enjoy; and, finally, that the Calcutta Journal would be placed on a footing that should render it responsible only to the law. He then adds, 'Mr. Buckingham will continue to hold his full share of the property, as a guarantee to the joint shareholders for his future exertions to ensure its prosperity and success; and an early meeting of the proprietors will be convened for the purpose of laying before them a detail of the arrangements to be carried into effect during his temporary absence.' On the following day (February 14) he says, in an article headed 'Freedom of Publication,' 'The security of its property (the property of the Calcutta Journal) will be placed on a basis that nothing but the law can touch, and the consummation long so devoutly wished may be considered as now attained, by placing the freedom of at least one Indian press on the same footing as the freedom of publication at home, subject only to trial by jury, in the hands of an editor for whom summary banishment without trial has no terrors, and who will oppose to the temporary decree of an arbitrary Governor-general the permanent and protecting shield of British law.' The editor here alluded to, for whom summary banishment has 'no terrors,' and who has been selected by Mr. Buckingham to conduct the Calcutta Journal during what he calls his 'temporary absence,' in defiance of the regulations of Government, and on principles directly subversive of its authority, is, as Mr. Buckingham states in a letter to the Chief Secretary to Government, in reply to that announcing the recall of his licence, a Mr. Sandys, 'of Indo-British or Anglo-Indian birth.' To this person the management of the Calcutta Journal was consigned on the 17th February. The perusal of the Calcutta Journals published since that period will show every impartial and reflecting person under whose inspection they may come the spirit in which an unrestrained press in India is likely to be conducted, and the necessity of some effectual measures being taken to restrain it. This is a plain narrative of facts, as connected with the conduct of Mr. Buckingham at this presidency as an editor of a newspaper, and of the steps he took from time to time to render himself, in that capacity, wholly independent of the Government. With reference to the particular act of removing him from India, it is hardly necessary to repeat that it has not been occasioned by one or two instances of contumacy, but has been forced upon Government, after long forbearance, by his systematic disregard of the regulations of Government, and open defiance of its orders. It was quite evident that he was resolved to bring the matter to issue, and that further toleration would have been a virtual acknowledgment of the inability of Government to curb him. He has artfully endeavoured to make it appear that the punishment was applied for the single publication of the 8th February, but that perversion of the truth admits of easy exposure by a simple reference to the facts which have been found faithfully detailed in the preceding statement. The unimportant nature of the appointment referred to in Mr. Buckingham's publication of the 8th of February, and the intrinsic absurdity of the remarks themselves, can in no degree affect the question of his expulsion; nor are the merits of the arrangement itself, in any respect, involved in the present consideration. The Governor-general's objection was, as on a former occasion, to the assumption by an editor of a newspaper of the privilege of sitting in judgment on the acts of Government, and bringing public measures and the conduct of public men, as well as the conduct of private individuals, before the bar of what Mr. Buckingham and his associates miscall public opinion. 'It must be quite unnecessary to disclaim any wish to conceal the real character of the measures of Government, or even their most secret spring, from the knowledge of those controlling authorities to which the law has subjected it, or of the great body of our countrymen, whom

whom the spirit of the constitution and the practice of the Government at home have rendered the ultimate judges of the conduct of every public functionary. No one entertains a more unfeigned deference for the constitutional control of public opinion than the Governor-general, or is more solicitous to have every public measure in which he has been engaged submitted to that tribunal, which in the end will always do justice to upright intentions and honest endeavours in the public service. With equal readiness does he acknowledge the utility of this species of control, in rendering public men circumspect in the performance of their duties, and checking every propensity to abuse the power, influence and authority derived from public station; but he protests against the assumption of this right of control over the Government and its officers by a community constituted like the European Society of India."

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I wish next to observe, that Mr. Buckingham mentioned a libel which Dr. Bryce had written upon him to show what the Government would tolerate from him, and what they would tolerate against him; he proved that Dr. Bryce had written a libel against him, and that he had got damages against him in the Supreme Court of 1,000 rupees. Dr. Bryce also got damages against Mr. Buckingham, or rather against his representatives in India, for a libel against him contained in an article, or series of articles, in the Calcutta Journal.

617. What was the date of that article?—The first was published on the 22d February 1823. It seems that this was considered in the Supreme Court the greater libel of the two, because they gave 2,000 rupees damages, and they said they would have given more if Dr. Bryce had not himself been an editor of a newspaper. I mention this for two reasons, to show that there was the same thing upon the opposite side, and also because Mr. Buckingham said that he would show what the Government would tolerate from him, and what they would tolerate against him. Now the question of private libel is a question which the Government has nothing to do with; it is a matter for the Supreme Court. I will now give the Committee a narrative of the proceedings with respect to the conduct of the Calcutta Journal after Mr. Buckingham quitted India. The Governor-general recorded a minute on the 13th of March 1823, stating that no change had taken place in the conduct of the Calcutta Journal, that the same irregularities, as heretofore, were pursued, on the presumption of the intangibility of the new editor, and proposed a bye-law for the licensing of the press.

In the evidence I gave on the first day of my examination I stated the nature of that bye-law, and that it was duly registered in the Supreme Court. Then comes the speech of Sir Francis M'Naghten, from which I read an extract the other day, when I also read some remarks that Sir Francis M'Naghten made on passing the bye-law. The Governor-general, on 15th March, proposed that an admonitory letter should be addressed to Mr. Sandys, the editor of the Calcutta Journal. Mr. Harrington did not think the letter, under the then existing circumstances, was necessary, and objected to the further proposition of the Governor-general to stop the circulation of the paper without notice, but the majority of the council concurring with the Governor-general, a letter was addressed to Mr. Sandys, in which the press rules were brought to his notice; his continual violation of them was pointed out, and he was warned of the consequences of continuing to violate them. On the 1st April the Governor-general submitted a new set of rules for the regulation of the press for the consideration of the Council, and being approved by the Commander-in-chief, and Mr. Fendall, they were adopted. The rules were not registered in the Supreme Court. Mr. Buckingham says that they were then made the law; the fact is, that the rules were enacted by the Government, not by the Supreme Court; they made the observation of these rules the condition of keeping the licence—the licence was the law, and the observation of the rules was the condition of having the licence.

618. You consider that there was no occasion for registering the rules?—Not the least; the Government had the power of licensing and withdrawing the licence, and it was in their discretion what rules should be observed. On the 18th April, after these rules had been established, a licence was granted to Mr. Sandys, Mr. J. Palmer, Mr. G. Ballard, and Mr. P. S. de Rozario, to publish the Calcutta Journal. The application was dated the 18th of April, and the affidavits as to the printers, publishers and proprietors, the same day. On the 30th April 1823, the Court expressed their approbation of the revocation of Mr. Buckingham's licence, and promised their support to the Government; and, on the 5th November following, the Court expressed their disapprobation of Dr. Bryce's appointment. I may mention here, that the ordinance for licensing the press, which was registered in the Supreme Court in Calcutta, was appealed against to the Privy Council here, and the Appeal was dismissed upon the 23d May 1825. I shall next advert to a letter

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letter published in the Calcutta Journal, on the 8th April 1823. It is a letter signed "A Young Officer." The Adjutant-general brought this letter to notice as a serious violation of the order of the 8th of June 1822, and requested that the name of the author might be ascertained. On the 10th of April Mr. Sandys was called upon to give up the name of the author. In reply Mr. Sandys stated, that he was not in possession of the name of the author: that he had been ill, or the letter would not have appeared. On the same day, the 11th of April, Mr. Sandys was informed that if the name of the author was not given up on the following day the circulation of the paper would be stopped. Mr. Sandys, on the 12th, expressed his willingness to take an affidavit that he did not know the author, and he was then informed that the journal would not be stopped, but that he must take the affidavit he had offered, and he was warned of the consequences he would entail on himself if he should persist in violating the press regulations. On the 15th of April the affidavit which had been called for was submitted to the Government, and on the 17th he was required to give up the original MS.; and affidavits similar to that made by Mr. Sandys were ordered to be taken by the person who acted for him during his illness, and from the person who took the letter out of the letter-box. On the 18th Mr. Sandys stated that the original MS. had been destroyed, and that he conceived that the letter, which was written in a feigned hand, and dropped into the box, was written by an enemy of the Calcutta Journal. On the 23d, the affidavits required in the letter of the 17th were furnished to the Government, and the correspondence communicated to the Adjutant-general. These proceedings were communicated to the Court of Directors in a letter dated 31st of July 1823. The next points are, the continued misconduct of the editors of the Calcutta Journal; the expulsion of Mr. Arnot, one of the editors; the withdrawal of the licence, and the refusal to renew the licence to Mr. Muston. As the public letter from Bengal to the Court upon that subject is already before the Committee I need not read it again, I will merely read the heads of the proceedings. On the 12th of May, notice was given to Messrs. Palmer and Ballard, proprietors of the paper, that the article headed "Notorious Reviewer Dissected," was an infringement of the press regulations, and a warning was given to him. On the 18th, seven articles were brought to the notice of Messrs. Palmer and Ballard, proprietors of the Calcutta Journal, as infringements of the press regulations; and it was intimated that if the same course were pursued, a necessity would exist for taking measures seriously detrimental to the interests of the proprietors. The Government further required that the names of the British subjects employed in connection with the paper should be communicated. Messrs. Palmer and Ballard enclosed an explanatory letter from Mr. Sandys, and they disclaimed any personal or particular interest in the paper. Mr. Sandys having in his explanatory letter communicated the names of the British subjects connected with the Calcutta Journal, orders were issued to search the records to ascertain on what authority the parties were residing in India; and it was ascertained that Mr. Sutherland, one of the parties named by Mr. Sandys, had a licence, but that the three others, Messrs. Arnot, Heckford, and Blacker, were residing without lawful authority. On September the 23d a letter was addressed to Messrs. Palmer and Ballard, stating, that in consequence of an article in the Calcutta Journal of the 30th of August, the Government had resolved to remove Mr. Arnot from India; that the measure was adopted out of consideration to the proprietors, though the offence merited the withdrawal of the licence, and from the hope that that ultimate measure would be rendered unnecessary by the example made of Mr. Arnot. On the same day orders were issued to the magistrate of Calcutta for taking measures to send Mr. Arnot to England. It may be proper to observe here, that in his statement to the Committee of the 1st instant, Mr. Buckingham has omitted to notice the successive violations of the press regulations, and the repeated warnings given to the proprietors and editor of the Calcutta Journal, on account of those violations of the regulations, commencing with the publication of the letter signed "A Young Officer," and concluding with the deportation of Mr. Arnot. Mr. Buckingham omits to notice the history of the Calcutta Journal from the date of granting a licence for its publication, to the date of that licence being withdrawn. This proceeding was adopted by the Government on the 6th of November 1823, in consequence of extracts from a pamphlet by Colonel Leicester Stanhope, published in the Journal from the 22d to the 30th of October, both inclusive, which are stated by Mr. Buckingham to have been continued through several weeks. It will be seen that they were continued through only eight days. On the same day a letter was addressed to Messrs. Sandys, Palmer, Ballard and De Rozario, informing

forming them that the licence was withdrawn. On the 28th of November, Mr. Muston applied for a licence to publish a certain paper, of which parties named in an enclosed affidavit were proprietors, and promising obedience to the press regulations. The affidavit was made by Messrs. Palmer and Ballard, proprietors; and Messrs. William Pitt Muston, and P. S. De Rozario, intended publisher and printer. Mr. Muston was informed that the Government would refrain from complying with his request, pending a reference to the Medical Board. On the 30th November was published a notice to subscribers, headed "Revival of the Calcutta Journal," when Mr. Sandys was informed that no licence had been granted, and that the publication of the paper would be at his peril. On the 1st of December, the Medical Board reported that the functions of editor would not interfere with Mr. Muston's official duties. On the 4th Mr. Muston was informed that from the tenor of the Medical Board's Report, a licence would probably have been granted him, but that it was withheld in consequence of the publication of the notice headed "Revival of the Calcutta Journal," which was deemed to be objectionable in having made an announcement inconsistent with fact, accompanied with reprehensible observations, and affording reason to believe that Mr. Muston was not a free agent. The letter to Mr. Muston concludes with a denial, on the part of the Chief Secretary to Government, of the truth of the assertion that the publication of the paper had been forbidden on account of the name of the paper. On the 13th, Mr. Muston submitted a letter from Mr. Ballard, dated the 12th, declaring that Mr. Muston should have the sole management of the paper, and requesting that a licence might be granted him. On the 23d of December, Mr. Muston was informed that the Government did not consider it advisable to comply with his request. On the 30th December 1823, the expulsion of Mr. Arnot was advised to the Court of Directors, in a letter dated, the same day; and the withdrawal of the licence of the Calcutta Journal was also communicated at the same time. On the 6th July 1825, the Court of Directors required some information connected with the case of Mr. Arnot, and intimated that the licence might have been, as it was afterwards, withdrawn, instead of expelling him. It is a letter from the Court of Directors, dated 6th July 1825. I will give in that letter to the Committee, and read one paragraph of it.

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[The witness gave in the letter, and read the paragraph as follows:]

"The strong measures adopted and persevered in against the individual in question appear to us to have been less necessary, seeing that you had the power, under the rule, ordinance and regulation made and issued by you on the 13th of March 1823, to revoke the licence granted to the Journal with which he was connected, in the event of the licence being abused; a power which you actually exercised in the case of that very Journal on the 6th of November in the same year, before the despatch of the same from Calcutta."

The Government, answering this letter on the 17th January 1826, communicated the information required by the Court, and gave their reasons for removing Mr. Arnot rather than withdrawing the licence of the Calcutta Journal. As that is a long despatch, probably the Committee will not wish to have it read, but I will read the Court's answer, which is very short. The Court express themselves in the following terms:

"Without continuing the discussion of the proceedings which you deemed it necessary to take in the case of this individual, we think it due to you to signify our satisfaction generally with the explanations which you have furnished on the different points to which your attention was directed in our despatch of 6th July 1825. We likewise embrace this opportunity of informing you, that in consideration of the destruction of all Mr. Arnot's property by the burning of the Fame, and the expenses and sufferings to which Mr. Arnot has been subjected by that unfortunate event, we resolved to grant him the sum of 1,500 £, which resolution has been approved by a general court of proprietors, and sanctioned by the Right Honourable the Board of Commissioners for the affairs of India. In making this communication, we are desirous that it may be distinctly understood, that this pecuniary grant implied no disapprobation of the act of sending Mr. Arnot home, but that it was made solely in commiseration of his losses and sufferings, which were purely accidental, and which were neither contemplated by you, nor in any degree attributable to a proceeding to which you reluctantly resorted on public grounds, and, as we are thoroughly persuaded, in the conscientious discharge of a public duty."

This shows that compensation was not given to Mr. Arnot for anything connected with the Calcutta Journal, but merely for an accident that he had suffered in coming home by a circuitous route. The next point is a grant of a licence to Mr. Muston, to publish a newspaper called the "Scotsman in the East." Mr. Muston, in the first instance, on the 29th January 1824, stated that he had an

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agreement for the lease of the Columbian press for one year, and requested a licence to publish a newspaper. This request, on the 30th January, was refused, on account of the temporary nature of the arrangement, which gave no security that Mr. Buckingham's influence might not predominate at the end of the twelvemonth. Mr. Muston then explained that his request was for a licence for one year, during which he would have the sole control of the paper. On the 5th February the Government informed Mr. Muston of their determination not to modify their decision of the 30th January. On the 12th February, Mr. Muston applied for a licence to publish a paper, to be called the "Scotsman in the East," of which he was sole proprietor. An affidavit was made by Mr. Muston as sole proprietor, and by Mr. De Rozario, the intended printer of the paper so named, and the licence for the Scotsman in the East was granted, and communicated to Mr. Muston and to the magistrates. On the 31st March, the grant of the above licence was advised to the Court, and on the 11th May 1825, the disapproval by the Court of that proceeding was communicated to the Government. The Court disapproved of it, on the ground of his being a Company's officer. I will read an extract from a public letter to Bengal, dated 11th May 1825 :

" Although it is not directly stated, that Mr. Muston intends to be the editor as well as publisher of the Scots in the East, various documents which appear on your proceedings, have led us to infer that he does. Should this be the case, our objections to his continuing to hold his former appointment are greatly strengthened, as, notwithstanding the opinion expressed by the Medical Board, we find it difficult to believe that the office of editor to a daily newspaper is compatible with the due execution of the duties of medical attendant upon some thousands of individuals."

The next point is proceedings connected with the periodical press in Bengal, subsequent to the grant of the licence to Mr. Muston. On the 31st of December 1824, the Government advised the Court that censures had been passed on the following editors for violations of the press regulations; viz. the editor of the Bengal Hurkaru on two occasions, the editor of the John Bull on two occasions, the editor of the Scotsman in the East on two occasions, and the editor of a native paper published in Calcutta. The Court observed, in a letter dated 8th of March 1826, that those proceedings did not require any particular remark. On the 31st of March 1825, a censure was passed on the editor of the Bengal Hurkaru. The Government remarked that the press rules were continually violated. On the 30th September 1825, and 3d August 1826, censures were passed on the editor of the Columbian Press Gazette; and on the latter occasion the editor, Mr. De Rozario, submitted a letter of explanation. On the 21st of March 1827, a censure was passed on the editor of the Bengal Chronicle. The licence was not withdrawn, on account of the removal of the editor, Mr. J. Sutherland. On the 23d of August 1827, the licence of the Bengal Chronicle was withdrawn, and the Government refused to grant a licence for any paper in lieu of that suppressed. The above proceedings were approved, and comments passed on the licentious state of the press, in letters to Bengal dated 5th March 1828 and 22d September 1829. On the 28th of February 1828, a censure was passed on the editor of the Bengal Hurkaru, and the measure was approved by the Court 27th October 1830. After this, Mr. Fair was deported from Bombay, for an offensive article in his newspaper on the Supreme Court.

I now come to a correspondence between the Court of Directors and the Bengal Government, relative to a letter from Mr. Buckingham to the Government, alleged by him to have been incorrect in the copy transmitted from Bengal. On the 20th of June 1826, the assertion was communicated to the Bengal Government, with instructions to forward the original manuscript and authenticated copies of the letter from Mr. Buckingham to the Bengal Government, dated 16th May 1820, and the original manuscript was, with notarial copies, transmitted to the Court of Directors in a letter from the Bengal Government, dated the 7th of December 1826. The copy of the letter recorded on the proceedings of the Government tallies exactly with the original MS. in the handwriting of Mr. Buckingham. On the 13th of August 1828, the Court informed the Government of their intention to make public how far wide of the truth Mr. Buckingham's account of his letter was. In Mr. Buckingham's former evidence, in 1826, he stated that the letter which the Court had published was not a correct copy of his letter, and he implied that the Bengal Government had garbled the letter. The Court accordingly wrote out to the Bengal Government to send both the original and notarial copies, and Mr. Buckingham admits now, I believe, that he was wrong. The difference consists in a great

great many paragraphs published by him which were not in the copy sent home by the Bengal Government, and which consisted chiefly of apologies, concessions, and comments on the answer of the Marquis of Hastings to the Madras Address. The next points to be alluded to relate to the correspondence between Mr. Buckingham and the Court of Directors, and to the proceedings in the General Court connected with Mr. Buckingham's case. Mr. Buckingham's case was brought under the consideration of the General Court on various occasions, from the 9th July 1824 to the 11th April 1826. On one of these occasions a proposition was submitted to the General Court that a grant of 5,000 *l.* should be made to Mr. Buckingham. This proposition was negatived, and a ballot was demanded on the question. The ballot was taken on the 11th April 1826, when 157 votes were given in favour of the proposition, and 436 votes against the proposition; the majority of votes against granting Mr. Buckingham 5,000 *l.* was 279. The Indian Government is still very much embarrassed by the liberty of the Indian press. I allude now to the Government of Madras; there has not been any complaint lately from Calcutta. I have read a great many Calcutta papers, and have not seen anything tending to excite military insubordination, or indeed anything much calculated to provoke anybody, especially the Governor-general, who is always in the right, whoever else may be in the wrong; but here is a letter from Fort St. George, dated the 4th February 1834, which I will beg leave to read:—

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"A most treasonable and seditious article having appeared in the Madras Gazette of the 14th December 1833, signed 'The East Indian Franklin,' we concurred with the Advocate-general in considering it proper that the parties concerned in its promulgation should be prosecuted by the law-officers of Government; and we accordingly directed the Honourable Company's solicitor and the superintendent of police, in communication with the Advocate-general, to take any practicable and lawful means of discovering the parties concerned, and promptly to proceed against them towards committal or bailment for trial. James William Branson, the editor of the Madras Gazette, was in due course convicted of publishing the libel; but in consequence of the jury recommending him to mercy, the Court passed a particularly lenient sentence of imprisonment for three months, and a fine of 500 rupees. He was also required to find security for his future good behaviour, himself in 500 rupees, and two securities of 250 rupees each. On the morning of the trial above referred to, an article appeared in the Commercial Circulator with a most palpable view to bias the jury in favour of the defendant; which the Advocate-general brought to the notice of the Court before the trial began, and a process of attachment was obtained against the party printing his name as proprietor and publisher at the foot of the paper for a contempt of Court; but in consequence of his youth, the Advocate-general did not press for judgment against him, and he was merely bound over with securities for good behaviour. We have reserved for future consideration, in communication with the Supreme Government, the suggestion offered in paragraph 5 of the Advocate-general's letter relative to the enactment at this presidency, as at Bombay, of a regulation for the registering and identifying by easy proof of the proprietors and publishers of periodical papers."

619. Does it appear that the writer of that libel was deported?—No, he might have been an indeportable person.

620. Can you state the nature and the circumstances of that libel?—It is stated in the Asiatic Journal, as follows:

"The Madras Gazette, of December the 14th, contains a letter, dated Cannanore, 7th December, and signed 'The East India Franklin,' in the shape of an address to the East Indians by one of that class, wherein the writer, amongst other daring and seditious expressions, ventures openly to counsel assassination. 'My advice to you then is this: besides adopting and carrying into execution every legitimate measure to secure attention both here and in England to our cause, let us petition our tyrants and tell them fearlessly, that unless our requests are granted, they will have every thing to fear from us; that they would act more prudently, yea humanely, to order a general massacre of our race, than to withhold a moment longer from us the rights and privileges so justly our due; and that they would consult their best interest by granting to us the political consequence we demand. Let every one of us boldly determine, whenever a fair opportunity offers, to send an useless resident, a wicked collector, a sleeping member of council, &c. to the ***** let us mark every favoured servant of John Company, or rather the embryos of the future John Company, and if we cannot ———, then let us mark them with the signs of our vengeance. Most amongst us have daily hundreds of opportunities to act the part of an E—A—*, and often with more impunity or with perfect safety to our lives; if so, why should we hesitate to make a few embryos of the future John Company undergo the fate of a C—C—†. The result of this resolution would be, though purchased at the expense of some of our blood, the most happy: our tyrants would fear us; they would cease to treat us in the contemptible manner they now do, and pay attention to our claims."

* "Enam Ally, the assassin of Colonel Coombs."

† "Colonel Coombs."

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claims. Haste, haste to emulate the noble deed of a E—— A——, who has set us the heroic example, and sacrificed his life for our future happiness. Follow the footsteps of the heaven-inspired hero. Methinks I hear a mighty voice declare, 'Success and prosperity to the East Indians, now that they have dared to assert their rights manfully.' Look at me, I am but a private individual, since my arrival in this part of our country I have not only frightened out of their wits many an embryo of the future John Company, but made many a country police-officer, menial servant, and tobacco farmer, tremble, surrounded as they are by their hell-hounds. I have gained the goodwill of many officers of this and several other cantonments, and hope ere long to teach them the art of making themselves equal to their brother servants of the civil service, by knocking on the heads of some of the embryos of the future John Company. It is now more than 15 years since I devoted my time, my best energy, my humble talents, to your cause, my fellow sufferers. In the beginning of my career I was poor, but Providence has since made me independent of the world; I have from the beginning made the resolution of either laying down my life in the cause of my country, or to live free. Agreeably to this resolution, I have long ago adopted measures which would, I hope, ere long effectually tie up the hands of, or totally destroy the infernal confederacy which devastate our native land: my secret shall be buried with me, or its result burst off the devoted heads of our tyrants. To the work, to the righteous work; then, my dear countrymen, I shall incessantly labour to throw weight into your scale. I pray that the God who so long protects me will crown our noble attempts with success. Snatch the bloody dagger, with which our tyrants incessantly wound us, and show it to them; and if the sight of the blood they spill do not turn their hearts, bury it deep into their bosoms. If the voice of humanity is to be silenced, let us at least die with the satisfaction of having bravely opposed our tyrants: our present views are cheerless, but our blood shall and must soon purchase us freedom and happiness."

621. What was the date of the trial?—January the 10th, 1834. As this article is not very long, and gives a history of the Madras press, I will read it:

"The King on the prosecution of the East India Company v. James William Branson. This was an indictment against the editor of the Madras Gazette, for publishing the letter signed 'The East Indian Franklin' * (extracts of which are inserted in page 44 of the Asiatic Journal for June 1834). The indictment charged that J. W. Branson, of Madras, yeoman, wickedly and seditiously intending to disturb the peace and tranquillity of the dominions of our Lord the King in India, and to incite insurrection therein, and to traduce and vilify the administration of the Government duly by law established therein, and to bring the same into hatred and contempt, and to alienate and withdraw the fidelity and allegiance of divers subjects of our said Lord the King living in India, and commonly known by the appellation of East Indians, from His Majesty and his Government over the said dominions as by law established, and to induce the said subjects to oppose and resist the said Government, and to cause it to be believed that the United Company of Merchants of England trading to the East Indies, and their servants lawfully appointed for administering the affairs of the said Government, were tyrants and oppressors, and to induce and encourage His Majesty's said subjects to murder divers of such servants, on the 14th day of December &c. did wickedly, seditiously and maliciously print and publish (here the indictment set forth the letter), in open violation of the law, and against the peace of our said Lord the King, his crown and dignity." In another count the defendant was charged with the same offence, omitting the innuendoes. The Advocate-general stated the case. He observed that the publication of the letter had excited very great interest. The prosecution had been directed by the Government at his advice and instance, in order that it might be understood whether such a publication was to be tolerated. The press in Madras was free beyond anything ever heard in any country, monarchial or democratical. There never was a press less shackled, except by verdict of a jury, than the press at Madras. All restrictions upon the press were now removed. With the censorship, which was abolished about two years ago, expired the right of interference by authority over what emanated from the periodical press of Madras; and at the present day there was no power to exercise, directly or indirectly, any influence whatever over the public papers. He then adverted to the character of the letter, and designated it as a call upon infatuated men to bring the Government of this country into hatred and contempt, to resist lawful authority, and to call upon them to open massacre and murder. In inviting his countrymen to act the part of an E. A., the object of the writer could not be misunderstood. The learned counsel did not charge the defendant with any participation in the sentiments of the letter, but the publication of it was a foul misdemeanor, for which he was amenable to law. However contemptible the letter might be, such productions ought not to be suffered by the strongest governments to pass with impunity. Even though the defendant inserted the letter unconsciously, without knowing its contents, he was by law responsible for the publication."

I do not think it is necessary to read the rest of the trial. Mr. Campbell, for the defendant, admitted the improper nature of the publication, but pleaded ignorance,

* "A correspondent in the Madras Herald states, that the person who thus designates himself, is a half-caste writer at Cannanore, who is in the habit of issuing his proclamations to the East India community, which are to be seen occasionally placarded in the bungalows in the interior."

ignorance, on the part of his client, of its contents. After the judge, Sir R. Comyn, had addressed the jury, stating that editors of papers were liable for articles published in them, and describing the publication under consideration to be a most abominable and atrocious libel, the jury returned a verdict of guilty of publishing the letter inadvertently, and strongly recommending the defendant to mercy. This verdict the judge refused to receive, and then a verdict was returned of guilty, accompanied by an earnest recommendation of the defendant to mercy. The sentence, mitigated one half in consequence of the recommendation of the jury, was, that the defendant should be imprisoned for three calendar months, should pay a fine of 500 rupees to the King, and enter into recognizances to keep the peace for five years, himself in 500 rupees, and two securities in 250 rupees, and to be imprisoned till the fine was paid.

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On the 19th March 1832, the Madras Government represented to the Court, that libellous articles on the Madras Government had been published in the Bengal Hurkaru, and stated, that the Madras press not being subject to restrictions similar to those in force in Calcutta, any matter could be printed by any one, subject only to an appeal to the petit jury. The Madras Government further state, that the long existing custom of controlling the press, by means of a censor, being deemed objectionable, the censorship had been abolished. The Madras Government, however, express their belief, that in abolishing the censorship they do not give up any substantial control over the press which they formerly possessed, as they still retain the power of deportation, and the means of stopping the circulation of objectionable publications. Adverting, however, to the possibility of extreme cases occurring, which would be beyond the reach of the common law, the Government states, they can still apply to the judges for the adoption of a suitable remedy. I believe the power over the persons of Europeans is taken away by the new law.

622. Could you state whether Mr. Branson, the defendant in that case, was deported, and whether he was a native or a European?—I cannot learn anything about him. There has been a despatch from Bombay respecting a letter in the Bombay Gazette tending to excite military disaffection; on which the editor was menaced with deportation unless he gave up the name of the author, which he did. I will lay that despatch before the Committee.

[*The witness delivered in the same.*]

I now wish to show what bearing these cases have upon the present case, and that Sir Thomas Munro, in his Minute of the 12th April 1822, foresaw this very evil as the result of the freedom of the press in India. This is the Minute to which I adverted on Friday, as showing that our empire in India rests not on public opinion, but on military power, unless by public opinion be meant the opinion entertained by the people of our military power. The Minute will show also, how clearly Sir Thomas Munro had foreseen, that a petit jury in India would be a very unfit tribunal to decide on questions of libel against the Government, however treasonable and atrocious those libels might be.

[*The same was read, as follows :*]

MINUTE by Sir Thomas Munro, Governor of Madras, on the Press in India, dated 12 April 1822.

1. A GREAT deal has of late been said both in this country and in England regarding the liberty of the Indian Press, and although nothing has occurred to bring the question regularly before the Board, yet as I think it one on which, according to the decision which may be given, the preservation of our dominion in India may depend, and as it appears to me desirable that the Honourable the Court of Directors should be in possession of the sentiments of this Government at as early a period as possible, I deem it my duty to call the attention of this Board to the subject.

2. I cannot view the question of a free press in this country without feeling that the tenure by which we hold our power never has been, and never can be, the liberties of the people; I therefore consider it as essential to the tranquillity of the country, and the maintenance of our Government, that all the present restrictions should be continued. Were the people all our own countrymen I would prefer the utmost freedom of the press; but as they are, nothing could be more dangerous than such freedom; in place of spreading useful knowledge among the people, and tending to their better government, it would generate insubordination, insurrection, and anarchy.

3. Those who speak of the press being free in this country have looked at only one part of the subject; they have looked no further than to Englishmen, and to the press as a monopoly in their hands for the amusement or benefit of their countrymen; they have not looked to its freedom among the natives to be by them employed for whatever they also may consider to be for their own benefit, and that of their countrymen.

4. A free press, and the dominion of strangers, are things which are quite incompatible,
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and which cannot long exist together; for what is the first duty of a free press? it is to deliver the country from a foreign yoke, and to sacrifice to this one great object every meaner consideration; and if we make the press really free to the natives, as well as to Europeans, it must inevitably lead to this result. We might wish that the press should be used to convey moral and religious instruction to the natives, and that its effect should go no further. They might be satisfied with this for a time, but would soon learn to apply it to political purposes, to compare their own situations and ours, and to overthrow our power.

5. The advocates of a free press seek, they say, the improvement of our system of Indian government, and of the minds and the condition of the natives; but these desirable ends are, I am convinced, quite unattainable by the means they propose. There are two important points which should always be kept in view in our administration of affairs here. The first is, that our sovereignty should be prolonged to the remotest possible period; the second is, that whenever we are obliged to resign it, we should leave the natives so far improved, from their connection with us, as to be capable of maintaining a free, or at least a regular, government among themselves. If these objects can ever be accomplished, it can only be under a restricted press. A free one, so far from facilitating, would render their attainment utterly impracticable, for by attempting to precipitate improvement, it would frustrate all the benefits which might have been derived from more cautious and temperate proceeding.

6. In the present state of India the good to be expected from a free press is trifling and uncertain, but the mischief is incalculable, and as to the proprietors of newspapers it is the more profitable of the two; it will generally have the preference. There is no public in India to be guided and instructed by a free press. The whole of the European society is composed of civil and military officers belonging to the King's and the Honourable Company's service, with a small proportion of merchants and shopkeepers. There are but few among them who have not access to the newspapers and periodical publications of Europe, or who require the aid of political information from an Indian newspaper.

7. The restraint on the press is very limited; it extends only to attacks on the character of Government and its officers, and on the religion of the natives; on all other points it is free. The removal of these restrictions could be of advantage to none but the proprietors of newspapers. It is their business to sell their papers, and they must fill them with such articles as are most likely to answer this purpose. Nothing in a newspaper excites so much interest as strictures on the conduct of Government or its officers; but this is more peculiarly the case in India, where, from the smallness of the European society, almost all the individuals composing it are known to each other, and almost every European may be said to be a public officer. The newspaper which censures most freely public men and measures, and which is most personal in its attacks, will have the greatest sale.

8. The law, it may be supposed, would be able to correct any violent abuse of the liberty of the press, but this would not be the case. The petty jury are shopkeepers and mechanics, a class not holding in this country the same station as in England; a class by themselves, not mixing with the merchants or the civil and military servants, insignificant in number, and having no weight in the community. They will never, however differently the judge may think, find a libel in a newspaper against a public officer. Even if the jury could act without bias, the agitation arising from such trials in a small society would far outweigh any advantage they could produce. The editors of newspapers, therefore, if only restrained by the law of libel, might fearlessly calumniate the character of public officers, and misrepresent and stigmatize the conduct of Government. They would be urged by the powerful incentive of self-interest to follow this course, and they would be the only part of the European population which could derive any advantage from a free press.

9. Every military officer who was dissatisfied with his immediate superior, with the commander-in-chief, or with the decision of a court-martial, would traduce them in a newspaper; every civil servant who thought his services were neglected or not sufficiently acknowledged by the head of the department in which he was employed, or by Government, would libel them; every attempt to restrain them by recourse to a jury would end in defeat, ridicule, and disgrace, and all proper respect for the authority of Government would be gradually destroyed. The evil of the decline of authority would be sufficiently great even if it went no further than the European community; but it will not stop there; it will extend to the natives; and whenever this happens, the question will not be whether or not a few proprietors of the newspapers are to be enriched and the European community to be amused by the liberty of the press, but whether our dominion in India is to stand or fall. We cannot have a monopoly of the freedom of the press; we cannot confine it to Europeans only; there is no device or contrivance by which this can be done; and if it be made really free, it must in time produce nearly the same consequences here which it does everywhere else. It must spread among the people the principle of liberty, and stimulate them to expel the strangers who rule over them, and to establish a national government.

10. Were we sure that the press would act only through the medium of the people, after the great body of them should have imbibed the spirit of freedom, the danger would be seen at a distance, and there would be ample time to guard against it. But from our peculiar situation in this country this is not what would take place, for the danger would come upon us from our native army, not from the people. In countries not under a foreign government the spirit of freedom usually grows up with the gradual progress of early education and knowledge among the body of the people. This is its natural origin; and were it to arise in this way in this country, while under our rule, its course would be quiet and uniform, unattended by any sudden commotions, and the change in the character

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and opinions of the people might be met by suitable changes in the form of our government. But we cannot with any reason expect this silent and tranquil revolution, for, owing to the unnatural state in which India will be placed, under a foreign government, with a free press and a native army, the spirit of independence will spring up in this army long before it is ever thought of among the people. The army will not wait for the slow operation of the instruction of the people and the growth of liberty among them, but will hasten to execute their own measures for the overthrow of the Government and the recovery of their national independence, which they will soon learn from the press it is their duty to accomplish.

11. The high opinion entertained of us by the natives, and the deference and respect for authority which have hitherto prevailed among ourselves, have been the main causes of our success in this country; but when these principles shall be shaken or swept away by a free press, encouraged by our juries to become a licentious one, the change will soon reach and pervade the whole native army. The native troops are the only body of natives who are always mixed with Europeans, and they will therefore be the first to learn the doctrines circulated among them by the newspapers; for as these doctrines will become the frequent subject of discussion among the European officers, it will not be long before they are known to the native officers and troops. These men will probably not trouble themselves much about distinctions regarding the rights of the people and forms of government, but they will learn from what they hear to consider what immediately concerns themselves, and for which they require but little prompting. They will learn to compare their own low allowances and humble rank with those of their European officers, to examine the ground on which the wide difference rests, to estimate their own strength and resources, and to believe that it is their duty to shake off a foreign yoke, and to secure for themselves the honours and emoluments which their country yields. If the press be free they must inevitably learn all this and much more. Their assemblages in garrisons and cantonments will render it easy for them to consult together regarding their plans; they will have no great difficulty in finding leaders qualified to direct them; their patience, their habits of discipline, and their experience in war, will hold out the fairest prospect of success. They will be stimulated by the love of power and independence, and by ambition and avarice, to carry their designs into execution. The attempt would no doubt be dangerous, but where the contest was for so rich a stake, they would not be deterred by the danger; they might fail in their first attempts, but even these failures would not, as under a national government, confirm our power, but shake it to its foundation. The military insubordination which is occasioned by some partial or temporary cause may be removed, but that which arises from a change in the character of the troops, urging them to systematic opposition, cannot be subdued. We should never again recover our present ascendancy; all confidence in them would be destroyed, but they would persevere in their designs until they were finally successful; but after a sanguinary civil war, or rather after passing through a series of insurrections and massacres, we should be compelled to abandon the country.

12. We might endeavour to secure ourselves by augmenting our European establishment. This might at a great additional expense avert the evil for a time, but no increase of Europeans could long protract the existence of our dominion. In such a contest we are not to expect any aid from the people. The native army would be joined by all that numerous and active class of men formerly belonging to the revenue and police departments, who are unemployed, and by many now in office, who look for higher situations, and by means of these men, they would easily render themselves masters of the open country, and of its revenue. The great mass of the people would remain quiet. The merchants and shopkeepers, from having found facilities given to trade, which they never before experienced, might wish us success, but they would do no more. The heads of villages, who have at their disposal the most warlike part of the inhabitants, would be more likely to join their countrymen than to support our cause. They have, it is true, when under their native rulers, shown a strong desire to be transferred to our dominion; but this feeling arose from temporary causes, the immediate pressure of a weak and rapacious Government, and the hope of bettering themselves by a change. But they have now tried our government, and found that though they are protected in their persons and property, they have lost many of the emoluments which they derived from a lax revenue system under their native chiefs, and have also lost much of their former authority and consideration among the inhabitants, by the establishment of our judicial courts and European magistrates and collectors. The hope of recovering their former rank and influence would, therefore, render a great part of them well disposed to favour any plan for our overthrow. We delude ourselves if we believe that gratitude for the protection they have received, or attachment to our mild government, would induce any considerable body of the people to side with us in a struggle with the native army.

13. I do not apprehend any immediate danger from the press. It would require many years before it could produce much effect upon our native army; but though the danger be distant it is not the less certain, and will inevitably overtake us if the press become free. The liberty of the press and a foreign yoke are, as already stated, quite incompatible. We cannot have it free with any regard to our own safety. We cannot restrain it by trial by jury, because from the nature of juries in this country public officers can never be tried by their peers. No jury will ever give a verdict against a publisher of any libel upon them, however gross it may be. The press must be restrained either by a censor, or by the power of sending home at once the publisher of any libellous or inflammatory paper, at the

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responsibility of Government, without the Supreme Court having authority on any plea whatever to detain him for a single day.

14. Such restrictions as those proposed will not hinder the progress of knowledge among the natives, but rather insure it by leaving it to follow its natural course, and protecting it against military violence and anarchy. Its natural course is not the circulation of newspapers and pamphlets among the natives immediately connected with Europeans, but education gradually spreading among the body of the people, and diffusing moral and religious instruction through every class of the community. The desire of independence, and of governing themselves, which in every country follows the progress of knowledge, ought to spring up and become general among the people before it reaches the army. And there can be no doubt that it will become general in India, if we do not prevent it by ill-judged precipitation, in seeking to effect in a few years changes which must be the work of generations. By mild and equitable government; by promoting the dissemination of useful books among the natives, without attacking their religion; by protecting their own numerous schools; by encouraging, by honorary or pecuniary marks of distinction, those where the best system of education prevails; by occasional allowances from the public revenue to such as stand in need of this aid; and above all by making it worth the while of the natives to cultivate their minds by giving them a greater share in the civil administration of the country, and holding out the prospect of filling places of rank and emoluments, as inducements to the attainment of knowledge; we shall by degrees banish superstition, and introduce among the natives of India all the enlightened opinions and doctrines which prevail in our own country.

15. If we take a contrary course, if we for the sole benefit of a few European editors of newspapers permit a licentious press to undermine among the natives all respect for the European character and authority, we shall scatter the seeds of discontent among our native troops, and never be secure from insurrection. It is not necessary for this purpose that they should be more intelligent than they are at present, or should have acquired any knowledge of the rights of men or nations. All that is necessary is, that they should have lost their present high respect for their officers and the European character, and whenever this happens, they will rise against us, not for the sake of asserting the liberty of their country, but of obtaining power and plunder.

16. We are trying an experiment never yet tried in the world, maintaining a foreign dominion by means of a native army, and teaching that army, through a free press, that they ought to expel us and deliver their country. As far as Europeans only, whether in or out of the service, are concerned, the freedom or restriction of the press could do little good or harm, and would hardly deserve any serious attention. It is only as regards the natives that the press can be viewed with apprehension; and it is only when it comes to agitate our native army that its terrible effects will be felt. Many people, both in this country and in England, will probably go on admiring the efforts of the Indian press, and fondly anticipating the rapid extension of knowledge among the natives, while a tremendous revolution, originating in this very press, is preparing, which will, by the premature and violent overthrow of our power, disappoint all these hopes, and throw India back into a state more hopeless of improvement than when we first found her.

17. His Excellency the Commander-in-chief has brought to the notice of the Board an anonymous letter, in the Hindostanee language, thrown into the lines of the cavalry cantonment at Arcot, on the night of the 12th of March, urging the troops to murder their European officers, and promising them double pay. This letter was brought in the morning by the subahdar major of the 6th regiment of native cavalry to Lieutenant-colonel Foulis, the senior officer present in the cantonment. I received a Hindostanee letter by the post some weeks ago, addressed to myself, complaining of the condition of the native army, their depressed situation and low allowances, and exhorting me to do something for their relief. Such letters have been occasionally circulated since our first conquests from Mysore in 1792. I do not notice them now from any belief that they are likely at present to shake the fidelity of our sepoys, but in order to show the motives by which they will probably be instigated to sedition whenever their character shall be changed. But though I consider the danger as still very distant, I think that we cannot be too early in taking measures to avert it, and I trust that the Honourable the Court of Directors will view the question of the Press in India as one of the most important that ever came before them; and the establishment of such an engine, unless under the most absolute control of their governments, as dangerous in the highest degree to the existence of the British power in this country.

(signed)

Thomas Munro.

Governor Saib Bahadur, Judge of Merit, Nourisher of the Sepoys, high in Station,
Health!

After very many respects and salams, the case is this: From your coming with the appointment of Governor to Madras, all we sepoys and others, and poor people, were much rejoiced, as we supposed you to be one who understands worth, and who is a nourisher of the sepoys and of the poor; but now, from the counsels of some worthless and bad sirdars, and from some of your own acts, it appears that perhaps, in a short time, all the sepoys of the whole army will suffer much distress from you, and become sad and displeased. You know well the nature of the labour and distress of the sepoys; there is no such labour in any other profession: you well know how the sepoys, leaving their fathers and mothers, their wives and children and friends, have accompanied the white sirdars from country to country. If there were not sepoys, there would be no rest for any one on

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the earth; but none of the white sirdars think of the worth of the sepoys. Has the whole country been gained to the Company by the aid of the sepoys, or by means of a few civil sirdars? Look and weigh this well in your mind: if very great distinction is conferred by the white sirdars on black people, bravery is rewarded by a jemadar or soubahdarship, or at the utmost by a palankeen, and now 24 rupees have been granted to the soubahdar majors; and all the rest of the Company's wealth, and the large monthly allowances, amounting to thousands of pagodas, and all the offices, great and small, are the share of the white sirdars, and to black people there is nothing but labour; and in all the army of your sepoys there is not two or three persons who have 200 pagodas a month. If all the labour that we have undergone for you had been performed in the service of a Mogul government, we should certainly have been rewarded with honour, respect, better pay, and all other things; and in your Durbar we have not the smallest dignity or honour. If we soubahdars and jemadars make a salam to a white sirdar, it is difficult for him to make (return) a salam; and the civil sirdars are such whoresons, what do they care about us, or what salam do they make? If we sepoys gain a country with the sword, then these whoreson cowardly civil sirdars come to that country, rule over it, and in a short time fill their coffers with money and go to Europe; and if a sepoy labour all his life, he is not five cowries the better for it. When it was heard that you were coming out as Governor, all the sepoys, soubahdars and jemadars were very glad, and still are very glad; supposing you to be a sirdar who understood worth, we had great hopes that you would certainly have rewarded us, and given us honour; that is all gone; old people, invalid sepoys, jemadars and soubahdars, have been forcibly pensioned, and a few sepoys have been forcibly discharged from every battalion with pensions. During youth to serve the Company, when old to be forcibly discharged; this is excellent justice; and owing to the invalid pension, the sepoys serve all over the country, and the Company's Government is strengthened; and if ever the invalid pension shall cease, it will be very hard to maintain order in the Company's Government. If it be in your mind to do something for the benefit or advantage of the Company, it is better to do it in that which shall cause no loss or distress to sepoys and poor people; and to distress poor people in order to benefit the Company, what name is there in this? To vex and distress the sepoys and the poor never was in the mind of former sirdars; if it had been, much good might have been done for the Company. The pay of the civil sirdars is very heavy, and their service very small; and these sirdars sleep much and enjoy much ease; to reduce their pay would be nothing wonderful. What is the use of so many collectors, and so many zillah courts? for the whole country, three or four collectors, and three or four zillah courts, are enough. If in this way reduction be made, it will certainly be greatly for the Company's advantage, and also for your name; and from harrassing poor people, what name will you get? In the time of the Nabob Wallajah, tehsildars collected all the revenue of the country, and justice was administered by black people. Then good order and justice prevailed in the country; at present, by means of these collectors and zillah courts, what additional revenue is there collected, and what better justice is there in the country? None; and now, from these collectors and these zillah courts, the whole country has become ruined. There is no order in the country, and lying and theft and bribery have become great. Cultivation is not properly made in the country; the rayets are become very poor; the rayets are not treated right in the country; and when also the collectors and sirdars of the zillah courts, and the dubash people and these writers are happy and strong in the enjoyment of their bribes, and from these people great loss is suffered by the Company. What loss is there to the Company from the sepoys? A single collector's peon has an authority and greatness in the country which cannot be expressed: that peon does not fight like a sepoy; if after serving a short time he dies, his family gets pay; if a sepoy, carrying a load like an ass, serves with sirdars 20 years, and should he even die from fatigue, his family do not get a single cowry of pay. If at any time you mention the purport of this paper to civil or military sirdars, they will, according to their respective capacities, explain it in opposition to the paper, so as to secure their own allowances and please you. You are a wise man, and must hear all, and act according to your own judgment. We thought that you and General Malcolm were men knowing the worth of sepoys; you should, therefore, make some exertion in favour of the sepoys, soubahdars, jemadars, &c.: it will be for your name. If not, your pleasure is ours also. There is a God.

This petition is from the principal sepoys and others of your army. If any person translates this paper, let him not add or take away, but translate it properly, and give it to the Governor. If he translate it wrong, the wrath of God and of the Prophet be upon him, and his head to the gallows. And the Cazi of the college and of collectors have two hundred pagodas monthly pay, and some writers sixty or seventy pagodas; and these people have Enam villages. What sword have they drawn, and why is such great pay given to these people and the sepoys not rewarded. What soubahdars and jemadars have two hundred pagodas a month. In your Durbar there is labour and grief, and little ease. Governor Saib make some little arrangement in favour of the sepoys, in order that your name may remain bright on the earth, and your fortune and honour be prolonged and happy; since after you die nothing can be done.

The Board concurring most fully in the sentiments submitted in the foregoing Minute, and deeming the question therein considered of the highest importance,

Resolved, to bring it to the particular notice of the Honourable the Court of Directors, and to express the anxious hope of this Government that the subject may be found to merit their special attention.

T. Love Peacock,
Esq.

15 July 1834.

T. Love Peacock,
Esq.

9 July 1824.

There is a long memorandum by Sir John Malcolm on the same subject, maintaining the same opinions, with some variations, but still coming to the same results, and stating some things even more strongly than Sir Thomas Munro. It is entitled, "Memorandum written on the perusal of the despatch in the Secret Department from Fort St. George, dated 12th April 1822." I will deliver it in to the Committee.

[The witness delivered in the same.]

With respect to the views of the Marquis of Hastings himself upon this subject, I will read an extract from a Minute dated 21st August 1815 :—

"In my despatch to the Vice-president in Council, under date the 9th February," the Marquis observes, "I have taken a review of our political and military positions at the time when those measures were resolved on, of our actual relations with the existing independent powers of India, and of all those circumstances belonging to our extraordinary situation in this country, as well as of the anomalous and unprecedented nature of our empire, which it appeared to my judgment should enter into every calculation of the nature and extent of the military force to be maintained by this Government. From that review I deduced the necessity of our depending for the stability of our power mainly on our military superiority; and I endeavoured to explain the absolute inadequacy of our establishments, previously to the late augmentations, not merely to the immediate pressure of the times, but to our security from foreign attack and domestic insurrection, even under our ordinary circumstances. It would be mere repetition to state, in this place, the facts and arguments by which, to my apprehension, these conclusions were clearly established; and I must again refer your Honourable Committee to the despatch already so often appealed to."

The Marquis of Hastings never recorded anything to contradict this, except when, feeling that he was called upon to explain what he had said at the meeting at Calcutta, with regard to our empire resting on public opinion, he stated that, in his view, public opinion in India was the opinion of the European society at the presidencies; but I presume that if he had been asked whether our Government in India rested upon the opinion of the European society at the presidencies, he must have answered in the negative.

I will now read an extract from a series of papers printed by order of the House of Commons in 1812 and 1813, in which there is a series of questions addressed to collectors and magistrates throughout India, asking their opinions upon a variety of points; amongst which there is this question, with the answer of Mr. Courtney Smith :

"Are there any articles in your district on which a productive tax might be levied without oppression to the people? Name the articles, the rate of tax, and the manner in which you would propose it to be levied." The answer is, "There are doubtless many taxes that would be productive, but I know of none that would be unoppressive or popular. The natives are of opinion that we receive enough from them. The late establishment of internal duties has caused a general dissatisfaction; and from a persuasion that we should go on extending our taxes, fear is the only principle that remains to preserve obedience to our authority. The natives are a reasoning and sagacious people; and though they may not have hearts strong enough to struggle for national independence, they are not without understandings clear enough to comprehend its advantages. They know as well as any Englishman can do that the only natural and equitable appropriation of a tax is to the benefit of the country from which it is levied; and they feel it, and not only feel it, but among themselves begin to speak of it, as a monstrous and intolerable grievance that the abundance of India should be directed to the aggrandizement of a foreign and distant nation. 'For any good that we derive from the public revenue, for anything that it adds to the tranquillity or convenience or splendour of our country, what you already exact from us is sufficient, and more than sufficient. Your further demands are for yourselves, not for us; not for India, but for England; if we comply with them, it is from necessity. You may take our substance, for we are not strong enough to withhold it from you; but receive with it the bitterest curses of our hearts, our most ardent wishes for the downfall of your unnatural empire.' This is what they do say inwardly, and what they would say to us aloud, but that they are too discreet to betray hatred where they are too feeble to gratify revenge. When such, then, are the sentiments that prevail among the better description of natives, and when sentiments are travelling in the ordinary course of knowledge from the higher to the inferior orders, it is scarcely possible for the British Government to be too tender and cautious and moderate in the imposition of further public burthens."

The next passage I shall quote is from a Minute by Sir Charles Metcalfe, not relating to the press, but relating to military matters, dated the 6th March 1830 :

"There is no doubt in my mind that our Government is thoroughly unpopular, but this is because it is a government of conquerors and foreigners, and not from objections to our system

system of government. I do not mean to say that our system is popular; but I am not prepared to show that any other that we could adopt would be more so. Our Indian government has always laboured to make our system of rule palatable to our native subjects. Various changes have been adopted from time to time with this view, and if any one could suggest any practicable improvement obviously calculated to render our sway more popular, it would no doubt be carried into effect. Our system differs from that of native governments principally in the more elaborate judicial and police establishments. Native governments of the present day trouble themselves less to perfect such establishments for the benefit of their subjects, but some have a system handed down to them from their predecessors which works perhaps more efficaciously than our own. Were I asked whether the increased happiness of our subjects is proportionate to the heavier expenses of our establishments, I should be obliged to answer, according to my belief, in the negative; but it may not be so easy for us as for native governments to dispense with expensive judicial establishments. Every day we are called to increase them. To retrace our steps is difficult, and might be exceedingly injurious. The probability is, that we must go on to further expense. Every improvement of British India, connected with the establishment of an European population, will render the administration of justice more expensive to the state. The most costly part of our judicial establishment is the King's Court, and the greater the necessity for English law, the more expensive will our provincial courts become. It ought not to be an objection to our system of government that its chief characteristic, as distinguishing it from that of native rule, is the outlay of a greater portion of the public revenue in order to furnish justice to our subjects. When, therefore, I admit that we do require a large army to preserve the peace of the country, I ascribe this necessity not to our system of government, but to the existence of our government. We are foreign conquerors, against whom the antipathy of our native subjects naturally prevails. We hold the country solely by force, and by force alone can we maintain it. It is not that the internal peace of our own country might not possibly be preserved with a small army, but we must be at all times prepared to cope with foreign hostility and internal disaffection; and unless we have the means of subduing both, our rule must be very precarious."

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I will also read an extract from a letter from Mr. Smith, acting collector and magistrate of Vizagapatam, to the Secretary to Government, dated in 1832:

"The disturbance first commenced at the end of January, when troops were called out by Mr. Gardiner and the joint magistrate. Mr. Arbuthnot proceeded with them to the spot. Before their arrival, however, the insurgents had completely concealed themselves, and not the slightest information could be obtained regarding them. The troops were accordingly recalled. After this the district continued tranquil for rather more than a month, when the disturbances broke out again, and military aid was once more had recourse to. About a month after the troops had been called out the second time, I took charge of the district, when what struck me as a most extraordinary feature of the case was, that government had hardly a soul on its side, but was contending with a handful of troops against the greater part of its own establishment, the inhabitants of the plains, and those of the hills; and I could not help remarking with regret the inconciliatory spirit of the proprietors, who appeared determined to involve government in the most harassing species of warfare, and to be satisfied with nothing but blood."

The first extract is dated in 1811, the last in 1832. I have many more here collected; but throughout this interval we may go over the permanently-settled districts of Bengal, the temporarily-settled districts, the territories of Madras and Bombay, and the whole of the native states in alliance more or less intimate with the Company, and we shall find from the Company's most eminent officers a great concurrence of opinion to this point: that our tenure of our Indian empire is the tenure of the sword. There is only one portion of public opinion in India that comes in aid of the opinion of our military power, and that is the opinion of the zemindars under the permanent settlement that their interests are identified with ours. Beyond this there is no public opinion that works in our favour. It is our business to ameliorate the condition of India, but it is first and foremost our duty to keep it. A free press will not help us to ameliorate it, but it will help us to lose it.

The extracts serve to show that the freedom of speech amongst the Company's servants is an ample equivalent for the freedom of the press. They tell the Government the real state of the country and people much more clearly and fully and convincingly than a free press could do. The extracts serve to show, also, that the Government is too well acquainted with the real state of things to need any admonitions from the press. The evils are clear; a free press would exasperate, but not remedy them. If the East India Company must come before the bar of public opinion to vindicate the policy and the character of its government, it must, I conceive, explain the grounds on which that policy rests. The most clear statement of the truth on this point cannot be so injurious as the admission of any stigma on its government for upholding that policy. To say that Mr. Buckingham was injured by the Indian Governments, would be to say that the Indian Govern-

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ments were wrong in putting down the licentiousness of the press; and to say that they were wrong in so doing, would be to encourage its future licentiousness to a degree certainly incompatible with the maintenance of our Indian empire.

I have now said all I have to say with regard to the first branch of the question before this Committee, "Whether any compensation should be awarded to Mr. Buckingham." There is another point, which is, if any compensation is awarded, what should be the amount; and whenever the Committee shall wish me to speak to that point, I shall be ready to do so.

Jovis, 17th die Julii, 1834.

EDWARD WILLIAM WYNN PENDARVES, ESQUIRE,
IN THE CHAIR.

James Silk Buckingham, Esq., M. P., further Examined.

J. S. Buckingham,
Esq. M. P.

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623. HAVE you any observations to offer to the Committee in reference to your case?—In availing myself of the privilege afforded me by the Committee of replying to the observations of the gentleman who has appeared as a witness from the India House, Mr. Peacock, I am glad to find that my task will be much lightened from his not having called in question the accuracy of any of my own statements as to facts; and from the differences between us, therefore, being reduced to mere differences of opinion as to whether the freedom of the press in India was or was not established by law; whether the articles I published were or were not of a dangerous tendency; and whether the Government of India were or were not justified in sending me away from India, and suppressing my Journal for the reasons alleged. On these differences of opinion the Committee will judge between us, and I shall most willingly leave the issue in their hands; but as I was permitted to take notes of Mr. Peacock's statements during the two days' sittings over which they extended, I shall ask the permission of the Committee to offer a few observations on the points that I then noted, in the order in which they were made, as by this means I shall embody such portions of the statements as occurred to me as worthy of observation at the time, and thus make my reply intelligible, without absolutely repeating these statements themselves.

Following this order, then, the first argument of Mr. Peacock was, that I had covenanted, by the very terms of my licence to reside in India, to obey all the Rules and Regulations of the Government, whatever they might be; and that, if I did not so obey them, my licence became null and void, my contract broken, and my removal from the country a fit and legal punishment. I will turn to the licence itself, which the Committee will find in *Appendix I*, page 5, where the part of my covenant or contract referred to by Mr. Peacock will be found in these words:

"Condition of Mr. *Buckingham's* Licence.

"And the said James S. Buckingham, for himself, his heirs, executors and administrators, doth hereby covenant, promise and agree with and to the said United Company, in manner and form following; that is to say, first, That the said James S. Buckingham, from the time of his arrival at either of the presidencies of the said United Company in the East Indies, shall and will behave and conduct himself, from time to time, and in all respects, conformably to all such Rules and Regulations as now are or hereafter may be in force at such presidency, or at any other presidency in the East Indies where he, the said James S. Buckingham, may happen to be, and which shall be applicable to him or to his conduct, and which he ought to obey, observe and conform to."

In this covenant three conditions are clearly laid down: 1st. That the orders I covenanted to observe should be Rules and Regulations, and not merely private or circular letters; 2d. That they should be in force at the presidency where I resided, or, in other words, be invested with legal authority; and 3d. That they should be such as I ought to obey; that is, just, reasonable, and not repugnant to law. Now, I contend that every condition of this covenant I did fulfil. I never disobeyed any Rule or Regulation; I offended no law that was in force; and I broke no commandment which I ought to have obeyed. The circular letter, sent to the editors of newspapers, forbidding their discussion of particular topics, never was a Rule or Regulation before I left India; it was never invested with any legal force, and its strict obedience was impossible. The Committee should under-stand,

stand, that the term "Rules and Regulations," in the language of Indian writings is equivalent to "Laws and Statutes" in English. In the same manner as the Parliament of England are empowered by the constitution to make laws for the people of this country, so the Governor-General in Council is authorized to make Rules and Regulations for the people of India; but while no bill can become a law in England till it has received the assent of the three branches of the State, no circular or draft of a law can become a Rule or Regulation in India till it has received the assent of the Supreme Court of Judicature there, and the circular, against which I was said to have offended, (though I did not literally even infringe that in the article for which I was banished) never had that assent. This is so clearly stated by Mr. Cutlar Fergusson in his speech before the King's judges in India, and is so clearly laid down, that I will trouble the Committee by repeating it from my previous Statement, where it will be found at page 77.

624. What situation did Mr. Fergusson fill at that time?—He was counsel against the press prosecutions.

625. He was counsel for you?—Yes, and for the other proprietors of the Calcutta Journal. Mr. Fergusson's argument is as follows:

"But it is time that I should proceed to the second point to be considered in this case. Is the Regulation lawful? The Acts of Parliament on which the authority to pass a Regulation is made to rest, by the terms of the Regulation itself, are the 13th Geo. 3, c. 36, and the 39th & 40th (in the Regulation called the 40th) Geo. 3, c. 19, s. 18 & 19. It may here be observed, that the 39th & 40th Geo. 3, does not give any authority to make Regulations which did not exist under the former Act; it only gives a power of ordering additional punishment, by the 18th section, and by the 19th it takes away the writ of *certiorari*, or appeal, upon conviction, to any superior court. The authority for passing this Regulation must rest, therefore, on the words of the 36th section of the former Act, which are these: 'That it shall and may be lawful for the Governor-general and Council of the said United Company's settlement at Fort William, in Bengal, from time to time, to make and issue such Rules, Ordinances and Regulations, for the good order and civil government of the said United Company's settlement at Fort William aforesaid, and other factories and places subordinate and to be subordinate thereto, as shall be just and reasonable, with the consent and approbation of the Supreme Court, (in manner therein mentioned) such Rules, Ordinances and Regulations not being repugnant to the laws of the realm.'

"Here I make my stand; and I do contend, with the respect which becomes me before your Lordship, but with a confidence, at the same time, which nothing can shake, that this Regulation is repugnant to the laws of England, and destructive of its first and most sacred principles. I maintain, that the freedom of the press is a part of the law of England, I mean the free and unrestrained liberty of publication, subject to the responsibility of the law. I shall hardly be called upon for authorities in support of this proposition; I will content myself with citing the words of a celebrated and well-known author, and which I cite, not merely on account of the weight to which they are entitled as authority in such a matter, but because they express nearly all that can be said, and, I need not add, better said than anything which I can say upon the subject.

"Sir William Blackstone, the author to whom I have alluded, in discussing the subject of libel, expresses himself thus: 'The liberty of the press is indeed essential to the nature of a free state; but this consists in having no previous restraint upon publications, and not in freedom from censure for criminal matter when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press; but if he publishes what is improper, mischievous or illegal, he must take the consequence of his temerity. To subject the press to the restrictive power of a licence, as was formerly done, both before and since the Revolution, is to subject all freedom of sentiment to the prejudices of one man, and make him the arbitrary and infallible judge of all controverted points in learning, religion and government; but to punish (as the law does at present) any dangerous or offensive writings, which, when published, on a fair and impartial trial, be adjudged of a pernicious tendency, is necessary for the preservation of peace and good order, of government and religion, the only solid foundations of civil liberty. Thus the will of the individual is still left free; the abuse only of that free will is the object of legal punishment.'

Nothing can be more plain nor of higher authority than this; and, like Mr. Fergusson, I may say, here I take my stand, and contend, that to banish me, without trial, from India, for the pretended infringement of a circular which was never made a Rule and Regulation, which never had any legal force, which was neither just nor reasonable, and which was wholly repugnant to the laws of the realm, was in itself a violation of all justice, and such as alone would give me a very powerful claim to compensation for the injuries inflicted on me by this arbitrary step.

In endeavouring to show that this power of sending persons away from India, by the mere mandate of the Governor-general, had been exercised on other persons,

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and in other times, Mr. Peacock cited the case of a Captain Williamson, of the East India Company's army, who, in 1798, wrote and published in India a letter highly subversive of military discipline, for which he was suspended from the service and sent home, but in a short time was allowed to go out again, and therefore was very little injured by the light punishment he received. Now, his was a very grave offence, more especially as he was a military officer in their own service; but to show that, great as was the punishment inflicted on me, who never have been permitted to return, even to gather up the wreck of my ruined establishment, and whose losses have been immense and sufferings severe, there was nothing in my writings having a tendency to produce mutiny, rebellion or peril to the State, I will cite the testimony of a gentleman, whose evidence has not been quoted before, but whose authority will be highly valuable to me in the present case. During the sitting of the Select Committee on Indian Affairs, so recently as 1832, Mr. Charles Lushington was examined on the subject of the Indian press. That gentleman was, during my residence in Calcutta, one of the secretaries to the Government there; he was one of those who joined in the prosecution of the alleged libel of Colonel Robison, under the signature of *Sam Sobersides*, which ended in an acquittal. He was, from office, habit and disposition, disposed to take a very unfavourable view of the Calcutta Journal, and of the freedom of the India press. I beg the Committee to observe what he says. In vol. 583, which I have just got from the library of the House of Commons, the following Evidence of Mr. Charles Lushington will be found. I will read it to the Committee verbatim. It is as follows:

Evidence of Charles Lushington, Esq.

" 972. What was the state of the press in Calcutta at the period of your residence there, and what do you understand it to be at the present time?—The press in Calcutta was for a long time under a censorship; at last, in the time of Lord Hastings, an Anglo-Indian editor discovered that he could not legally be sent out of the country for press offences; the consequence was, that he set the Government at defiance, and refused to adopt the erasures of the Chief Secretary, who was the censor of the press. The Government then, making a merit of compulsion, adopted a set of Regulations, by which they required that the proceedings of the public press should be conducted, and took off the censorship, and those Regulations were for a time, as far as I recollect, very fairly adhered to. At last, a gentleman established a newspaper, called the Calcutta Journal, which soon became extremely popular, and which was excellently conducted, I mean as to ability. The editor certainly created in India a great taste for literature, and for the prosecution of enlightened pursuits; but unfortunately he thought it necessary to infringe the Regulations, which produced remonstrances from Government. To those remonstrances, as far as I recollect, he generally returned respectful answers, and the next day repeated his infractions. The Government pursuing their system of weakness, continued to remonstrate with the editor. I am not certain whether I am correct as to dates now; but about this time an address was presented from certain individuals at Madras to Lord Hastings, congratulating him and complimenting him upon having taken off the restrictions on the press, which restrictions were in existence at that time. Lord Hastings was extremely pleased with this address, and in his reply dilated upon the advantages of a free press, and the credit which reflected upon a liberal government, from allowing its measures to be publicly discussed. Whilst he was receiving these compliments as Governor-general, he was authorizing as Governor-general in Council remonstrances and threats to the editor of the Calcutta Journal. And latterly, whenever the editor received one of these letters of remonstrance from the Chief Secretary, he of course threw into the teeth of the Governor-general those liberal expressions in his speech. The consequence was, Lord Hastings felt himself committed, and though he acknowledged the necessity of curbing and coercing the editor of the Calcutta Journal to the very utmost, yet he was in a dilemma, and he deferred each time the infliction of severe punishment until he left the country. The editor in question continued after Lord Hastings's departure to defy the Government. One of the usual warnings, but I believe in little stronger terms, was conveyed to the editor upon the part of the then Governor-general in Council, Mr. Adam. He continued, and having reflected upon some act of the Government, the consequence was, that he was ordered to quit the country. Afterward another individual incurred the same fate, during the Government of Lord Amherst. After a time, the Regulations being loosely drawn up, and easily to be misconstrued by such as wished it, the Government applied to the Supreme Court for a bye-law, which should reach all native editors, Anglo-Indians and Bengalese; and a bye-law was in consequence enacted, which put the press under severe regulation, and made the editors liable to very strong penalties. I think they went so far as to confiscate the press and the materials, and also involved a fine upon each copy of the newspaper published which was considered offensive. Such was the state of things when I left India. I understand since, that Lord William Bentinck has allowed a system of the press totally licentious and free: by licentious, I mean that he has given it full licence.

" 973. What

" 973. What were the offences, generally speaking, imputed to the publication of the editor of the Calcutta Journal?—Generally calling in question the acts of the Government, so far as I recollect. *J. S. Buckingham, Esq. M.P.*

" 974. Do you recollect any specific instance of his having excited natives to rebellion, or the soldiers to mutiny, or any offences of that description, tending to put the Government in peril?—No.

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" 975. Do you know what were the consequences to the editor of the Calcutta Journal of his summary deportation?—The consequence was, that he suffered very severely in his fortune."

Nothing can be more striking, I think, than the testimony of such a witness in favour of the general character of my Journal; and he speaks of it from an intimate acquaintance with all its offences, as one of the functionaries of Government at the time; and, as the Committee sees, also with a full knowledge of all the ruin which the suppression of this "excellently conducted" Journal, as he himself calls it, entailed upon me.

Mr. Peacock next made us acquainted, for the first time, with the fact, that Dr. Bryce had been editor of an Indian newspaper called the Asiatic Mirror; and it was admitted that in that capacity he had been guilty of misconduct, which was complained of by the Government in Bengal. But no mention whatever is made of any punishment having been inflicted on Dr. Bryce; and it is that which constitutes the peculiar hardship of my case, that while others were permitted to offend with impunity, I alone was selected as the victim for punishment. In the same volume, 583, there is the evidence of another gentleman who resided in India during all the period referred to, which shows this contrast so strikingly, that I will add it, with the permission of the Committee, to what has been read before.

Evidence of James Sutherland, Esq.

" 1071. Under what Regulations practically is the Calcutta press at this time? How is the press at present conducted?—Every paper is published under a licence, from Government, revocable at pleasure, with or without inquiry or notice.

" 1072. Do you mean with or without assigning reasons?—Yes, with or without assigning reasons.

" 1073. Has this Regulation ever been acted upon, and if so, at what period?—It was first acted on in the case of the Calcutta Journal, in the year 1823; that paper having been suppressed under that Regulation.

" 1079. I think it was stated by you in the case of the Calcutta Journal, the reason assigned was the republication of the pamphlet of Colonel Stanhope's?—Yes, I think that was the principal reason assigned; the official letter may have referred to other publications.

" 1080. Will you explain what you mean by assign? Do you mean formally notified by the Government to the proprietors?—I mean it was adverted to in the letter suppressing the paper.

" 1081. Do you recollect whether that was the sole ground stated in the letter?—I do not at this moment distinctly recollect.

" 1082. But it was your own impression at the time that that was the real cause of its suppression?—Not that it was the real cause. My own impression was, that the law itself had been made with the express view of putting down that paper.

" 1083. How long previously to the suppression had that Regulation been made?—It came into operation a few months previously.

" 1084. Was that prior or subsequent to Mr. Buckingham's transmission?—Subsequent to Mr. Buckingham's transmission.

" 1102. In the case of Mr. Buckingham, were any warnings given to him officially?—Yes, several.

" 1103. Was his conduct altered in consequence of them?—I believe so. In consideration of his own interest, he must have endeavoured to frame his conduct according to the wishes of the Government, but that he did not succeed is apparent, inasmuch as he was first transmitted and the paper subsequently suppressed.

" 1106. On the occasion of the suppression of the paper in question, was there any loss of property sustained by the proprietors?—In the first a very enormous loss.

" 1107. At how much do you estimate that loss?—I should say it had not been over-rated at 40,000*l.*

" 1108. How do you estimate that; was it divided into shares?—It was divided into 400 shares; 200 of which were offered for sale, and upwards of 90 of them readily sold at that valuation prior to Mr. Buckingham's transmission.

" 1148. During your connection with the periodical press, have you known any instance in which writings have been charged as having a tendency to promote sedition or revolt among the native troops?—I am not aware of any instance of the kind.

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" 1149. What benefit do you suppose to have arisen from the free discussion of the press in Bengal?—I think it has acted as a check on the conduct of public functionaries, and occasionally led to very useful investigations.

" 1150. What reason have you for supposing that it operates as a salutary control on any of the functionaries at Bengal?—I imagine they all stand in awe of that public, constituted by the Europeans in the service and out of the service, a large body of Anglo-Indians, and a number of intelligent natives in Calcutta.

" 1185. What regulations, according to your view, would it be expedient to make for the press, due regard being had to the safety of the British empire in India?—I see no reason why the press in India should not be left as perfectly free, subject to the control of the laws, as it is in Great Britain itself; on the contrary, I think that freedom is attended with even less danger, if possible, in India than in Great Britain.

" 1186. State to the Committee the grounds on which you form that opinion?—I conceive that the press for the present, and for a very long time to come, can only operate on the minds of the English, Anglo-Indians, and natives very considerably enlightened: that if the Government desire to have the good opinion of such men, which I presume to be cherished by all public functionaries, the natives in general in India would enjoy the advantages of a free press, without being aware of the instrument by which they are benefited, or even capable at present of understanding it. I would appeal also in support of that opinion to the fact recorded in Indian history, that in the time of Warren Hastings, certainly the most critical period of our empire in India, the press laboured under no other restrictions than the law of England, which was found amply sufficient to check its licentiousness. I have had an opportunity of referring to the earliest paper published in Bengal, and it was violent, and even scurrilous in the extreme, in its attacks on public men; but the law in that case was found sufficient to suppress it, by subjecting the editor to numerous and heavy fines.

" 1187. Were the fines enforced by prosecutions for libel?—By prosecutions for libel in the Supreme Court, and the verdicts of juries.

" 1188. Do you think that writings of such a description would be tolerated in the present state of society in India?—No such writings as those contained in the earliest paper published in Bengal would now be tolerated one day, according to the present taste of the community of India.

" 1189. Was it the enforcement of the English law of libel that was found sufficient to put it down?—Yes, the English law of libel."

Now this was all that I ever contended for in India; though the law of libel is deemed tolerably severe in England, we should have rejoiced to have had it as our protection in India, and if it were powerful enough in all time past, when our empire in India was so unstable, how much more sufficient in later days when our power became more consolidated and permanently settled. But after all, the removal of my person from India never was and never could be a means of suppressing discussion on the Company's affairs and the public conduct of its officers; and another piece of evidence which I shall cite from a third gentleman, who resided in London at the same time with the two former ones, will put this in so striking a light that I will read it also. It is in a letter addressed by Thomas Bracken, esq., of Calcutta, to the Board of Control, dated March 18th, 1832, in answer to a circular sent by the Board to different gentlemen for replies. It is this:

Mr. Bracken's Letter to the Board of Control.

"I am of opinion also, that in all cases of transmission of Europeans from India, the preservation of the political power of the Company, as separate from that of this country, has been the ruling motive. In the instance of Mr. Buckingham, I can scarcely think that any one individual participating in or approving of that "great wrong," seriously and conscientiously dreaded any injury to the general relations existing between India and England from his writings; but they saw a door open by which the particular character of the present system would or might be brought more clearly than was desirable before the attention of the public. After that gentlemen published the *Oriental Herald*, I have heard observations from several of his bitterest opponents in India, to the effect that "it was a mistake sending him home, as he hurt the Company's interest more by writing in London than in Calcutta." This feeling of hostility against Europeans not in the service, operates also, I fear, to the commission of injustice, or at all events to the denial of justice whenever it may so happen that a collision takes place between them and the local authorities, such, for instance, as the case of Mr. Peter Gordon."

Some gentlemen may think that these opinions may refer to too recent times, and be at variance with those of earlier date, but I will avail myself of this opportunity

tunity to show that even long ago, and in very troublous times, and by a very distinguished authority on Indian affairs, no less a person than Sir John Malcolm, the value and importance of free discussion of the public acts of public men in India was openly avowed and advocated. Sir John Malcolm published among his very earliest works, an interesting history of the military disturbances at Madras under the administration of Sir George Barlow; and though at that period our empire in the east was in imminent peril, not only from the insurrections of the native troops but from the insubordination of their English officers, Sir John Malcolm saw no evil, but much good, in that very freedom of discussion and publication of which he was said to be so great an enemy. The passage is so remarkable, and so important at the same time, that I will not venture to give the substance of it, but will read it entire. It is as follows:

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Sir John Malcolm's Opinion.

"Publications in England on the affairs of India have been rare, except on some extraordinary epochs, when attention has been forcibly drawn to that quarter, and a groundless alarm has been spread of the mischiefs which (many conceive) must arise from such free disclosure, and consequent full discussion of the acts of the Indian Governments. This practice, in my opinion, will have a direct contrary effect. It must always do great and essential good. The nature of our possessions in India makes it necessary that almost absolute power should be given to those entrusted with governments in that quarter; and there cannot be a better or more efficient check over these rulers, than that which must be established by the full publicity given to their acts, and the frequent discussion of all their principles of rule; such a practice will expose imprudence and weakness, however defended by the adherence of powerful friends in England, and it will be more certain to prevent oppression or injustice, than the general provisions of law, which may be evaded; or the check of superiors, who may, from conceiving the cause of an individual identified with that of authority itself, feel themselves condemned to support proceedings which they cannot approve. This practice, in short, restrained as it always must be by the laws of our country, within moderate bounds, must have the most salutary effects. Its inconveniences are obvious, but trifling when compared to the great and permanent benefits which it must produce; and I am confident that every effort made to repress such discussion, is not merely a sacrifice to personal feeling and to momentary expedience of one of the best and most operative principles of the British Constitution, but a direct approximation to the principles of that Oriental tyranny, which it is, or ought to be, our chief boast to have destroyed."

626. What situation did Sir John Malcolm fill at that time?—He was a military officer in the Company's service. He was then Captain Malcolm, I think.

After this I proceed with the narrative, as taken down in the notes which I made on Mr. Peacock's statement as he went along, commenting on such parts as may require it, as I proceed. It appears, then, that in January 1823, just one month only before I was banished from India, a draft of a despatch was sent up from the India House to the Board of Control, to be sent out to Calcutta, complaining of the freedom of the press in Bengal, and ordering the authorities there to restore the censorship. This despatch was never sent out, however; and as this fact became known, the inference was, that the Board of Control was more liberal than the Court of Directors, and objected to the renewal of the censorship because of that liberality. The Court admit, in the correspondence accompanying this, that from Lord Hastings not having publicly mentioned the circular of restrictions when he removed the censorship, the editors generally might naturally infer that it was never intended to enforce them, which was strictly true; and it is remarkable enough that the Directors here express the very sentiment for which I was so severely reprimanded in India, when I contended, that whereas Lord Hastings's speech was public, and the circular of restrictions only private, and whereas the former, which was in favour of the freedom of the press, was as high in authority and later in point of date, we were justified in taking it to be the best guide of the two.

Mr. Peacock next said, that the delay which took place in the notice of the first article on Mr. Elliott, the Governor of Madras, was not, as I had supposed, because it was not deemed offensive at Calcutta, but because the interval had been employed in consulting the Advocate-general, Mr. Spankie, as to whether the article was a libel, and whether it should not be prosecuted; and Mr. Spankie's reply was, that undoubtedly no lawyer could deny that it was, in the technical language of the law, a libel, but he should not think it safe to recommend its prosecution; an admission from such a quarter, and under such circumstances, as may be interpreted to mean, that no jury would find it to be a libel in the ordinary sense in which that term is generally understood.

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627. Have you got Mr. Serjeant Spankie's opinion in evidence?—No, I believe not.

628. You are giving a construction to it that it will not bear?—I should wish the passage to be read, if it is among the papers.

[Mr. Spankie's opinion was here read by Mr. Peacock, when it appeared that the words used were, "he should hesitate to recommend its prosecution."]

The post-office contract before referred to, is somewhat differently understood by Mr. Peacock and myself; but in point of fact, as the misconstruction of that agreement was on the part of the postmaster-general in India, it would be hard to punish me for his want of attention or intelligence; and in reality, though the loss to me was excessive by its breach, I never had refunded to me anything for the losses of the past; and when the contract was expired, the Government would not renew it on the revised scale, so as to give me the benefit of the future.

629. Did you make any claim upon the Government for the difference?—Yes; that was the subject of a correspondence.

630. What was the reply?—In substance I believe it was, that with respect to the past, they could make no alteration, and that they would give the postmaster-general orders to revise the contract for the future; but when the period came it was not renewed at all.

Passing from this to the next topic touched on, namely, the minute of Lord Hastings, which was adverted to in a letter from Bengal to the Court in England, dated 1st of January 1822, it is seen by Mr. Peacock's own statement, that Lord Hastings viewed the banishment of an editor without trial as a most excessive punishment. He says, "cases may be easily imagined in which the removal would be the total ruin of the individual." He adds, "the call for the enforcement of such a penalty should be therefore broadly visible." He afterwards calls it "an overwhelming severity" and he admits that nothing I had yet written or published deserved to be so punished. The despatch itself, and the passage referred to, (para. 67.), will be found at page 47 in *Appendix IV*. I may mention here a fact that will be referred to in the speeches of Mr. Douglas Kinnaird and Lord John Russell hereafter, that after my arrival in England, and consequently when all my offences were fully known to Lord Hastings, he wrote a letter to Mr. Douglas Kinnaird, giving him his authority to make public mention of its contents, in which he says that I had never, during all his stay in India, written anything which he thought deserving of so severe an infliction; nor did he believe, if we had each remained longer, I ever should have so done. So much for the opinion of Lord Hastings.

Mention was made by Mr. Peacock of a general order, issued from the Horse Guards by the Duke of York, and published in India, prohibiting all the officers of the army from writing or publishing in the newspapers there. Such an order might be binding on those in the military service, but it could not surely be held binding on me; though I believe I may add, that after its publication in India, for it bears date June 1822, no military letters, known to me as such, were published; at least none of any note; though if any were, the offence would be, not mine, but that of the officers writing them, as they, and not I, were the persons forbidden to write; and on them alone was such order binding.

631. In point of fact you were cognizant of the existence of that order?—I cannot say distinctly that I was; I have no doubt that it was published in the newspapers; I should have deemed it obligatory upon military officers alone.

632. Was not it a general order?—Yes.

633. Was not it binding upon the editors of newspapers?—No, certainly not, unless they were military officers.

After this, a second minute was read, in which Mr. Adam, Mr. Bayley and Mr. Fendall are said to concur in the opinion that there was no British public in India beyond 300 persons. I am at a loss to understand the data on which this limitation is fixed; because in Calcutta alone there are 4,000 or 5,000; and taking all the officers of the King's and Company's civil and military service, there are more than 50,000 British-born subjects, who constitute a part of the public in India as much as they would do if in England. But supposing it were literally true that there were only 300, surely that is a number large enough to have some claim to the enjoyment of their opinions, and the liberty of making them known. It was never contended in any case that ever I heard of, that the smallness of an assembly was a reason why it was not safe to allow the freedom of debate, nor the fewness

of the inhabitants of a district a reason why they should not enjoy their liberties as fully as the inhabitants of ever so large a town; and yet to such an absurdity should we be driven if we admitted that, because there were only 300 British gentlemen in India, therefore there was no public opinion, and no freedom of expression ought to be allowed to it.

In speaking of the article on Dr. Bryce's appointment, for the publication of which I was banished without trial from India, I was glad to find that Mr. Peacock made no comment on it whatever; he showed his discretion in not attempting to dwell upon what he must have known would not bear investigation; and his silence on this subject speaks volumes in my favour; for, if he could have shown to the Committee that the article in question was improper or dangerous, and the banishment I received for it fitting and just, no doubt he would have done so, for this may be said to be the strongest part of my case. He knows it to be the weakest of that of the East India Government, and he therefore very prudently and very skilfully passes over it in haste.

In adverting to the laws made for licensing the Indian press, Mr. Peacock cited the authority of Sir Francis Macnaghten, to show that, as the British constitution did not extend to India, so he did not conceive the freedom of the press to be extended to India either. Now Sir Francis Macnaghten, when he made this assertion, was one of the puisne judges of the court, and sat alone upon the bench when he uttered it. I will place beside it, therefore, an authority of even still greater weight, that of Sir Edward Hyde East, who was the chief justice in the same court, who was supported on the bench by two puisne judges when he presided, and who, on the occasion of the argument raised in that court about a year before, as to whether it had the power to file a criminal information for offences through the press, uses these express terms:

The Committee will find the passage at p. 64 of my last Statement.

Sir Edward Hyde East's Opinion.

"His Lordship the Chief Justice, Sir Edward Hyde East, then passed to the consideration of the merits of the case before the Court. They had nothing to do, he considered, with the liberty of the press abstractedly. The Government of the country, with the advice and sanction of the authorities at home, had established that liberty; and he considered that a free press, or the liberty of publication without a previous censorship, was calculated to produce much good."

Sir Francis Macnaghten, in his speech on the licensing law for the press in India, contended that it was not repugnant to the laws of England, because every man having a printing press was obliged to register it there. But I beg the Committee to mark the difference between these, and to say whether any two things can be more dissimilar. In England it is true that every press must be registered, in order that all printed works may have some one legally responsible for their contents. But any man who chooses to have a press, has merely to buy it, and register it, and he cannot be refused the full enjoyment of it afterwards. No person can prevent any man from having a press in England; the only condition being, that when he first uses it, he makes entry of the fact at the proper office. But in India the licensing law was to put it into the power of the Governor-general to refuse any man a licence for a press that he chose, without any reason assigned; and if he was found with a press and types in his possession without such licence, they were all liable to be seized and confiscated, as Mr. Lushington, in his evidence already read, very truly describes. The difference is therefore immense. But besides this, when a press is registered in England, no power in the country can touch it but through the law. Neither King, Lords or Commons can take away the registry or seize any man's press, or put down any man's journal: he can only be punished in any way through trial by jury, and no verdict was ever yet given that suppressed any newspaper for any offence committed by its editor. The difference here, therefore, is even still greater, and the wonder is, how any one could ever think of associating things so utterly dissimilar.

Even the licensing law was however wholly unnecessary, and so was the censorship. The power already possessed was more than sufficient for every purpose, and Mr. Canning very truly said, that "provided he could have the rules prescribed by the circular of Lord Hastings, he would not require any greater power," because by them all topics about which a government cared anything, were excluded from public discussion; which I myself before remarked, when I stated that if these

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resolutions were strictly adhered to, there was scarcely anything of public interest that could be discussed at all in the columns of a newspaper.

Following the order of Mr. Peacock's statement, we come again to the correspondence between the India Directors and the Board of Control. On the 17th January 1823, it appears that the Directors sent up a letter to the Board condemning the freedom of the Indian press as full of evil, and calling on the Board to assist them in putting it down. To this the Board turned a deaf ear, and though pressed to apply to Parliament for larger powers than already existed to crush this dreaded evil, no such application was made, either because it was deemed unnecessary or thought likely to be unsuccessful, a proof at once of their opinion that the evil was not so great as had been pretended; and also, that the law as it stood was sufficient to repress every abuse, provided it were put into execution, which was all I contended for, from beginning to end, and all I contend for now.

An event now occurred, the history of which is as new to me as it is to the Committee, and as it will be when made known to the public; I mean the secret meeting at Fife House. This took place on the 1st of March 1823, on the very day that I was setting sail from India, as a banished man. This meeting was attended by Lord Liverpool, Mr. Canning, Mr. Wynn, the Chairman and Deputy Chairman of the East India Company, and Mr. Serjeant Bosanquet, their solicitor. The object of this meeting was to confer on what should be done to put down the freedom of the press in India, and the issue of it was, that the parties named drew up a minute, in which they declared that they did not think it necessary to apply to Parliament for any new powers to restrain the Indian press. Lord Amherst, who was just then going out as the new Governor-general, was encouraged to proceed to the removal from the country of any offending editor, without any particular degree of delinquency being assigned; this being left entirely to his discretion, and he being assured of the fullest support from the Government at home, as well as of the East India Directors, in any measure he might think necessary for this purpose. But even in this document no idea is suggested of the suspension of the offending Journal, or the destruction of the property so invested, as a fit punishment for the offence. In the minute of the Secret Committee of the India House on this document, which minute is dated on the 4th of March 1823, only three days afterwards, the Court concur in thinking that Lord Amherst should have all the support which the Government here could give him to restrain the liberty of the press in India; but even in this also not the least idea is thrown out of the propriety of suppressing any Journal or destroying any property, the utmost extent of punishment contemplated by either party being the removal from India of the offending editor. In the letter of the Board of Control, dated the 5th of April 1823, in answer to the letter of the India Directors of the 17th of January, the Board say that it was not thought desirable to apply to Parliament for stronger powers than already existed; but in the mean time Lord Amherst had sailed for India with the secret instructions given him at the secret meeting at Fife House in his pocket, as his authority and guarantee for any measure he might think fit to pursue, as far as the removal of offending editors could accomplish his end; but I again repeat that this was the largest measure of punishment then in the contemplation of any party for the very worst offences that could be committed through the Indian press, and this was severe enough, though as the Committee will, I am sure, admit, it was nothing in comparison with the annihilation of all his fortune and future prospects superadded to the banishment itself. In this letter the Board further say, that "much stronger reasons than any yet assigned would be requisite to induce the Parliament to give larger powers to the Indian Government than those they possessed already for restraining the Indian press;" and let the Committee observe, that this expression is used when all the strongest reasons afforded by my conduct were fully before them, as by this time they were acquainted with every one of the articles complained of in the Calcutta Journal, except that on Dr. Bryce's appointment, which all parties now admit to be so harmless, that even my opponents are obliged to trace back their search after earlier and more objectionable articles to accumulate a sufficient amount of offence against me, by adding them altogether, as if many misdemeanors would make up one capital felony, or several trifling errors amount to one overwhelming crime.

I have now, I believe, gone over all the topics advanced by Mr. Peacock in his statement on the first day of his addressing the Committee, namely, Friday the 11th instant, after an interval of ten days from my making my opening statement. I need not dwell on the false prophecies with which the letters and the minutes that

that he read were so full, that our empire would be overturned if a free press were permitted in India; and that a conquered country would never be retained if we allowed free discussion to any of its inhabitants, or even among our own fellow subjects holding that dominion there. All these predictions, so easy to put forth, and so impossible to be contradicted at the moment, have been amply refuted by that best corrector of all errors—Time; for free discussion has existed in as great latitude as in England almost ever since I left India; and yet not only does our empire in the East exist, but it was never more firm and stable than at the present moment, when all the influence of the utmost freedom of discussion has been tried upon it, and found to give it stability and strength.

In opening the proceedings of the second day on which Mr. Peacock addressed the Committee, namely, Tuesday the 15th, after another interval of four days from his first statement, that gentleman read to the Committee his justification for what might by some be construed as a breach of official confidence on his part in his producing the Secret Minute signed at Fife House; the original which he produced was not only marked secret, but was enjoined to be kept most secret, and at the time of Mr. Peacock's producing it there were not, he believed, more than five persons then living who had any idea whatever of the existence of such a paper. He considered that the production of the document was essential to the ends of justice, and therefore he brought it forward, in order that the East India Company might not be exclusively blamed for that which was in fact the act of the King's Government, who had furnished Lord Amherst with the secret instructions alluded to. Mr. Peacock considered that the King's Government having done this, they were bound to support the Company through all the consequences of it, which they had, it is true, done, up to the present time, but which they would not do if they now turned round upon the Company, and recommended them to give me compensation. On this I will merely remark, that as far as I am myself concerned, and as far as my injuries are the object of inquiry and, I hope, redress, it is not of much moment to whom I am indebted for them. It may be to the King's Government of that day, of which Lord Liverpool and Mr. Canning were at the head; it may be to the India Directors then in power at the India House, several of whom are now no more; or it may be to the authorities in India, one of whom, Mr. Adam, has paid the debt of nature: but by whomsoever inflicted, the stroke has fallen on my devoted head; and as, whether I am the victim of the errors or the oppressions of the one or the other, it can in no degree invalidate the reality or lessen the extent of my losses, so I hope it will not be permitted in any degree to weaken my claims to redress.

We next arrive at the minute of Mr. Adam, in which he enters on his justification of his conduct in banishing me from India; and in speaking of this, Mr. Peacock read from a printed pamphlet, which he said was well known to be written by Mr. Adam, and published at the Government press of Calcutta, as copies of it had been sent home to England, as his, to his numerous friends, to put them in possession of the strong parts of his case. Now it is somewhat remarkable, that while the constant cry of complaint used by Mr. Adam and his party against the Indian press was, that its publications were anonymous, and that there was no ascertaining the credibility or value of their statements, because of their anonymous character, he was himself committing the very offence of which he complained. This pamphlet, which was full of criminatory accusations against myself and others, was anonymous. It had no name of author, printer or publisher, and was only inferred to be the work of some functionary high in office, from its contents and the expensive style of printing, executed as it was at the Government Gazette press. But what will be said of an acting Governor-general, for such Mr. Adam was at the time, appealing to the very public in India whose existence he denied, through a press whose power he despised, and in an anonymous form, which he had again and again condemned (there being, as I said before, neither name of author, printer or publisher attached to any part of the work), though the "great offender," for so Mr. Adam may in this instance be called, only a few weeks afterwards introduced a law compelling all printers and publishers to affix their names and places of abode to anything printed by them, on pain of heavy fines for each omission, and confiscation of all their materials of trade, and imprisonment besides? This, surely, needs no comment. The truth is, the act of banishing me from India for so harmless an article as that on Dr. Bryce's appointment, created such a feeling of contempt and indignation towards the temporary government of Mr. Adam (for be it remarked, he was merely holding office *pro tempore* till his successor arrived), that

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he, Mr. Adam, himself found it necessary to his own justification to put forth this anonymous defence of his own conduct, a thing unparalleled in the history of our colonial governments, and an act which in itself shows, more powerfully than any language of mine can do, how strong the feeling against him must have been felt to be, even by himself, to do anything so distasteful to one of his disposition as to appeal to a non-existent public through a detested and despised press. Now, in this pamphlet of Mr. Adam's, my conduct in publishing the article on Dr. Bryce's appointment is said to be "gross and insulting" to the Indian Government: these are the words which Mr. Peacock quoted on Mr. Adam's authority. The terms are severe; but to know their exact import and their true meaning, it is necessary to ascertain what was Mr. Adam's standard of "gross and insulting" conduct; for when this is ascertained, it may appear that, in the minds of other people, the conduct which he would characterize by these terms would be "highly honourable and praiseworthy." I will give the Committee an extract from the very pamphlet, a copy of which I hold in my hand, corresponding, as the Committee will find, in every respect with that produced by Mr. Peacock, and they will there see that the mere fact of my having defended an article of which I knew the Government had disapproved, that is, persisting in opposition to the opinion of the Government, for it was nothing more, was "an act, than which it was not possible to conceive anything more gross and insulting." This was Mr. Adam's standard, and interpreted into ordinary language, it would mean nothing more than, that any man presuming to differ in opinion from his authority was guilty of a deliberate outrage. The passage is so curious, that I will, with the permission of the Committee, read it entire. It will be found at page 36 of the pamphlet, and is as follows:

"In the Journal immediately preceding it was an article in the editor's own name, on the subject of the letter of which Lieutenant-colonel Robison was the author. It was a professed defence of that letter, and of the motives of the writer, although Mr. Buckingham knew at the time that it had incurred the displeasure of Government, by his being obliged to give up the author. The occasion was artfully taken, of exciting by an anticipation the sympathy and commiseration of the public, and he had again the effrontery to quote the qualified declaration of the Governor-general in favour of a free press, in defence of the general tone of his paper, notwithstanding the repeated intimations he had received, that the recorded Regulations of Government were to be the rule of his conduct. It is not possible to conceive a more gross and open insult to Government than the publication of this defence of a paper which he knew had excited its displeasure. This was not done in a letter addressed to Government, when he might be supposed to be justified in using such arguments as would best help his cause, but in the face of the public, to whom the fact of his having been required to give up the author was no secret; thus openly and deliberately defying authority, and appealing to the public against a measure of the Government. By his defence of Lieutenant-colonel Robison's letter, he became equally responsible for it (even if the publication had not made him so) with the author, and the same measure of punishment ought to have been dealt out to both. He could not plead the surrender of the author's name in mitigation, as that publication was subsequent to that act, nor was there the smallest room for exculpation. If this had been a new offence and suitably atoned for, it might have been passed over by a liberal and indulgent Government; but the various recorded offences of Mr. Buckingham of a similar character, the frequent warnings he had had, the great indulgence he had experienced, the continued and increasing offensiveness of his publications, their plain object, and, above all, the extensive mischiefs which they had occasioned and would continue to produce, seemed to impose on Government the necessity of putting it out of his power to pursue that course, and by the same act to vindicate its own authority which he had been so long permitted to defy with impunity."

The whole passage has been read at the request of an honourable Member, so that its full bearing may be seen; but if the Committee will refer to the parts on which I dwelt, they will see that Mr. Adam says, "It is not possible to conceive a more gross and open insult to a Government than the publication of a defence of any paper which the party so publishing knew to have excited their displeasure;" and that "to appeal to the public against any measure of the Government was openly and deliberately to defy its authority." These are his words; and they can only be accounted for from the circumstance of his having been brought up, from a youth, in the service of a despotic Government, and being suddenly invested with supreme power himself, which had thus perverted a disposition originally, I believe, humane and amiable. I have no wish to speak otherwise than correctly of any one, but more especially of one now no more; but truth and justice to my own cause compel me to show, that these terms of "gross and insulting," as applied to my conduct in editing the Calcutta Journal, are of very little weight, as they are equally

equally applicable to the conduct of every editor in the world who, in every number of his paper, appeals to the public against some measure of the Government; and this, in Mr. Adam's view, is guilty of "openly and deliberately defying authority."

To show, however, what was thought by others as well as myself of Mr. Adam's defence, I may mention that copies of it were sent home to many Members of the House of Commons, to prepare them against the discussions expected there, and to interest them in Mr. Adam's favour. One of these was sent to Mr. Denman, the present Lord Chief Justice of the King's Bench, and he avowed publicly, that though he had been a school-fellow and an intimate friend of Mr. Adam, it was impossible to read this defence without finding, in the very document itself, sufficient proofs of Mr. Adam's condemnation. All who know the present Lord Chief Justice will attach due weight to this declaration. I will content myself for the present with reading only that part of his speech which refers to the part in question; but, with the permission of the Committee, I will precede it by some other declarations of opinion delivered on the same occasion, as properly part of the evidence on my case. The occasion was when Mr. Lambton first brought my case before the consideration of the House of Commons, on the 25th of May 1824.

"Mr. Lambton, after detailing the principal parts of the case, concluded by saying, 'I have thus, as I conceive, confined myself to a clear and distinct narrative of this case, and I trust I have succeeded in making it intelligible without encumbering it with details. I shall refrain on the present occasion from making any remarks on the general question as to the advantage of a free press in India, and the more particularly, because it is my intention early in the ensuing session to call the attention of the House to the subject. I mean to move for the appointment of a committee to inquire how far the existence of a free press is an advantage or injury to our Indian possessions. At present I shall confine myself strictly to the case of the petitioner, who has been the victim of the most cruel oppression, not warranted by sound policy or expediency, but arising from a wanton and aggravated spirit of despotism. If such things are allowed to go unredressed, it is idle to talk of the responsibility of the Indian Government. I do maintain that this petitioner has suffered from the grossest tyranny, and that to suffer the repetition of such practices is to endanger the very existence of the empire.'"

"Mr. Hume said, he had resided long enough in India to know what good might be produced by the liberty of the press, and he had no hesitation in saying, that from the time Mr. Buckingham set up his paper his proceedings operated beneficially for India. It taught the English people in that country to state their opinion on passing events, when they saw that those events were contrary to the interests of the public. When Government misconducted itself gentle hints were given, which produced very salutary results. He challenged the enemies of Mr. Buckingham to look over the file of the Calcutta Journal during the four years when it had been under the control of that gentleman, and to find a single article half so scurrilous as those which constantly appeared in the Indian John Bull, a paper which was actually set up by the servants of the Government. The Secretary of the Government, and other persons in office, were connected with it. The John Bull in England, bad as it was, did not equal its namesake in scurrility."

"Sir Charles Forbes begged to offer a few observations on the question before the House. In the first place, he would take the liberty to read extracts from two letters which he had received from a very intelligent and most respectable British resident at Calcutta, Mr. John Palmer, which would show the estimation in which Mr. Buckingham was held by that gentleman. The honourable member then read the following extracts of the letters mentioned, the one dated on the 1st and the other on the 17th of March 1823, from Calcutta.

"1st, I present my friend, Mr. Buckingham, the editor of the Calcutta Journal, to your notice and friendly offices, under a full persuasion that your judgment of him upon acquaintance will justify the liberty I assume in recommending a banished man to you. The whine about the hazard of free discussion in this country will receive your contempt, whilst you will be satisfied that infinite benefit must result to the true interests of all societies for its indulgence."

"17th, I have recommended Mr. Buckingham to a few of the East India Directors, without fear of being considered an incendiary, a rebellious or discontented spirit. I am satisfied of the salutary influence of a free press everywhere. I believe the Calcutta Journal has done much good, and was doing more. I request your notice of Mr. Buckingham, who, I believe, in spite of all sorts of calumny, to be worthy your good offices and protection. Mr. Buckingham got very inadequate damages yesterday in an action, for libel against the John Bull, though the judge spoke of their malice with abhorrence."

"In the judgment of Mr. Palmer he placed the most perfect reliance, and the sentiments which he had expressed were sufficient to prove Mr. Buckingham was a gentleman who did not deserve the severe treatment which he had experienced."

"Sir Francis Burdett said, he heard with great satisfaction the opinions which had been uttered by the honourable gentleman who had just sat down, but he had yet heard nothing to palliate the act of tyranny (for he could call it by no other name) which had been com-

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mitted against Mr. Buckingham. He felt bound to declare that a more gross case of cruelty than that which his honourable friend had brought forward had never been presented to the notice of the House, and declared that his peculiar motive for rising was to entreat the honourable member near him (Mr. Lambton) not to rest contented with pledging himself in the next session to discuss the general question of a free press for India, but to give the petitioner, during the present session, the advantage of his talents in a motion specifically directed to the hardship of his case.

"The honourable chairman of the Court of Directors had said much, but he had informed the House absolutely of nothing. He had spoken of "warnings," given (of which more hereafter), but there was no account of the charge made against Mr. Buckingham (hear), of the charge upon which he had been sent to England. He was warned about this, and warned about that. But what did he commit? where was his fault?

— "Quisnam

Delator? Quibus indiciis? Quò teste probavit?

Nil horum. Verbosa et grandis epistola venit

A capreis."

And 'multa' might be added, for there were more than one of these letters to which the displeasure of the Government had been directed. It might be, that the remarks which he made were very proper and necessary. No doubt the comments of a public writer were not often palatable to those whose acts were commented upon. No doubt there were epistles upon epistles, and they were most probably urged and repeated when the editor was fairly, properly and most laudably employed in exposing their very proceedings. Those warnings were no proof of offences against law. Of Mr. Adam's character, he (Sir Francis Burdett) knew nothing, but he was justified from his acts in concluding that there was sufficient to raise a suspicion as to his motives. It was imputed as an offence to Mr. Buckingham that he had found fault with the appointment of Dr. Bryce; yet that very appointment the Directors rescinded, and members of the church to which Dr. Bryce belonged found fault with him for accepting it. The question for the House was, not merely whether Mr. Adam had exceeded the letter of his power, but whether he had exercised that power with due temperance and discretion; whether he had used the authority fairly for the purposes to which it was intended to be applied? The object before the House at present was the relief of a particular individual, whom he considered to have been treated with a cruelty unmerited, and almost unparalleled. Situated as Mr. Buckingham had been, the most incessant anxiety to conform himself to the Regulations (however slavish) imposed upon him, would have been insufficient to ensure his security. No charge of any description, but that he had neglected certain warnings (whatever they were), was made out against him; and for this neglect, his property and perhaps his prospects were to be destroyed."

"Mr. Denman contended, that the concluding observations of the right honourable gentleman who had just sat down, and the opening observations of the Right honourable the President of the Board of Control were founded on a complete fallacy. The right honourable gentleman had mis-stated both the law and the fact. He seemed to suppose, that Mr. Buckingham had contravened the law, and that it was in consequence of that contravention he had been expelled from India. That was not the fact. Mr. Buckingham had contravened no law; he had not even contravened the Marquess of Hastings's Regulations; nor did even a breach of these incur the penalty of embarkation for England. Important as he held the liberty of the press to be, that formed but a small part of the question under consideration, and yet upon that point a more mistaken notion had never existed than that which led to this outrage upon the person of Mr. Buckingham. Undoubtedly to talk of a press, and that press not free, was to talk of a secret enemy instead of an open friend. But that was not the single question before them: the question was not why the press was not unrestrained in India, but why, there being laws regulating the press, in the event of any violation of those laws, was not the violator pursued in the proper and regular course of justice? When he heard the honourable Chairman of the Court of Directors talk of the five warnings which Mr. Buckingham had received against the commission of the offence with which he was charged, it naturally occurred to him to ask the honourable Chairman why the offender had not been brought into a court of justice. He would answer that. Unless the power were allowed freely, at home and abroad, of canvassing the conduct of persons in authority, discontent would soon take a more alarming form than that of speech, and swell into danger upon every occasion. At the time that Mr. Buckingham was charged with the offence in question he had brought an action in the Supreme Court against the proprietors of the John Bull newspaper, by whom an action had also been brought against him, so that he was in the double capacity of plaintiff and defendant; yet Mr. Adam had torn him from his business, from his friends, from all his hopes, and had sent him to a distant country where he was ruined, and was perhaps on the very verge of beggary. It was horrible to hear of such things; it was horrible to see any thing like an attempt to introduce into this country that Indian atmosphere, which he, for one, was not prepared to breathe.

"He trusted Parliamentary inquiry would be instituted into the treatment that Mr. Buckingham had experienced. It had been considered necessary to submit the conduct of individuals situated as Mr. Buckingham had been situated to the judgment of a court of law in India, in several instances; if in one, why not in all? Was it not in Mr. Buckingham's favour, that in the civil action which he had himself brought for a libel on his character,

character, he had recovered damages, and that the revival of the criminal information against him by Mr. Adam was considered so unwarrantable by the judge, Sir Francis Macnaghten, that he refused to send it to a jury, and declared the whole proceeding to be cruel, oppressive and illegal? What reason could be assigned for the existence of so despotic a law as that under which Mr. Buckingham was suffering, unless it were an overwhelming necessity? yet no such necessity appeared to exist. Why preserve this perpetual Alien Bill in India? an Alien Bill, too, of the most strange description, for aliens were free from its operation, which was directed against Englishmen alone. It was not because any man had been mild and amiable in this country that he must necessarily be mild and amiable in India. It was very true, as the Right honourable Gentleman opposite had himself allowed, that arbitrary power frequently altered character. The Right honourable Gentleman could not have forgotten that beautiful passage in the most beautiful histories of the world, where the future tyrant answered the voice that foretold what he should do: "Is thy servant a dog, that he should do this great thing?" but he did it. Such, indeed, were the naturally vitiating consequences of the possession of arbitrary power, that no wise or good man would wish for it.

"With respect to Mr. Adam, it did happen that that gentleman was an old schoolfellow of his, and he recollected him to have been a boy of a most amiable and gentle character. Nevertheless he must declare, that on the present occasion Mr. Adam seemed to him to have committed one of the most cruel, oppressive and unjustifiable acts which he had ever known to have been committed by a British governor in the histories of the colonies, bad as they were (hear). So far was his conduct in the transaction from deserving to be regarded with indulgence, except, indeed, from the circumstance of his not being in this country to defend it, that in his (Mr. Denman's) opinion it ought to receive the most marked and general reprobation; but although Mr. Adam was not in the country to defend himself, he had published his defence; and no person could read that defence without finding in it Mr. Adam's own condemnation, and seeing the arbitrary and uncontrolled power which he had exercised."

I do not know that it would be possible to add anything to the force of this; and therefore I shall only say, that when the terms "gross and insulting" are again applied to my strictures on the conduct of the Government in India, I hope it will be remembered that these terms mean only that I ventured to advocate the supremacy of the law, as superior to arbitrary power; and that I deemed trial by jury the birth-right of every British subject, of which he ought not to be deprived in any part of His Majesty's dominions.

It was next asserted by Mr. Peacock, that though Dr. Bryce was convicted of libels on my private character, which were characterized by the judge as too atrocious to be thought of without horror, yet that there had been a subsequent verdict against the Calcutta Journal for libels on the character of Dr. Bryce, and that, as the damages awarded to him were larger than to me, it might be inferred that the libels against him were more severe of the two. The differences between those cases are material. In the first place, the libels in the Calcutta Journal against Dr. Bryce were written by different correspondents, after I had resigned all charge of the paper, and had ceased to write or even inspect a line in it, on the very eve, indeed, of my embarkation from India, so that I had no participation in them whatever. In the next place, I claimed no special damages whatever, and yet had 1,000 rupees awarded to me, with costs; while Dr. Bryce laid his damages at 100,000 rupees, and received only 2,000 by the verdict, with a reprimand or censure from the judge, in reflections as to his busy and meddling and controversial character. I will refer the Committee to two extracts from the printed report of the trial in the first case referred to, which will confirm my statement.

Testimony to the purity of the Calcutta Journal.

"After Mr. Longueville Clarke (the counsel for Dr. Bryce) had read to the Court what he considered the worst parts of a long series of the Calcutta Journal, in order to show that its character would at least palliate the libels of his clients on the editor, the following was the reply made by Mr. Cutlar Fergusson, the counsel on the other side: 'As to the extracts selected by Mr. Clarke from the 26 numbers of the Calcutta Journal, and which have been read, I am satisfied that if my learned friend could have discovered any more libellous matter he would have pronounced it to the Court. As he has not done so, it may be safely taken for granted that it did not exist. Now he had not been able to produce one libel on private character: there was not a single word of calumny on any private individual. In fact, upon my learned friend's own showing, there could not be a purer paper in existence. If it comes to libels between editors, the most objectionable expression that could be found (in the Calcutta Journal) is that which accused a former editor of the John Bull of being 'subservient' and even that is applied to public conduct. And is it for this Mr. Clarke thinks it justifiable for a few powerful men, if they be so, to combine together to hunt down Mr. Buckingham from society, and proscribe all who should countenance

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tenance him; than which nothing is more repugnant to English law, or more abhorrent to Englishmen." Report of the trial in the Supreme Court of Calcutta, April 7th, 1823.

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Judgment of Sir Francis Macnaghten, the Judge.

"That the plaintiff was entitled to just damages was undeniable; that he had suffered no special damage was avowed, and special damages accordingly were not claimed. To his Lordship's mind there was no question of the malice of the writer in the John Bull towards Mr. Buckingham. It was true Mr. Buckingham had appealed to the public, but he did not apply to be expelled from society, and his friends to be proscribed. Really, to his Lordship's mind, they were most malicious libels. He could not speak of them without horror. If he conceived that Mr. Buckingham had suffered in his newspaper, or in his mind, his Lordship would award him the most ample and exemplary damages; but as special damage was not pleaded, he did not consider heavy damages necessary. Concluded his Lordship, 'Let the plaintiff have 1,000 rupees damages, and costs.'" Report of the trial in the Supreme Court of Calcutta, April 7th, 1823.

It is worthy of remark, that though the Government were most sensitive as to any breach of the circular of restrictions, which forbade the discussion of political topics, they were just as relaxed in their license of private libel, although one of the prominent prohibitions of the circular was to forbid the insertion of any matter coming under the head of personal scandal or calculated to excite dissensions in society. This rule was broken every day by Dr. Bryce and others, who published the most bitter and virulent attacks on myself and friends, but because they eulogized the Government they were therefore unmolested in their career.

This brings me to that part of Mr. Peacock's statement in which he says, that when I contended that the circular restrictions had never been made law until they had been erected into a Rule and Regulation, by being registered in the Supreme Court, I had forgotten that they never had been so registered, but that they emanated from the licensing law, which had. This, I think, is in substance the same thing. Before the 5th of April 1823, when I left the country, they never had any force of law, and therefore it was no legal offence to disregard them, even if I had done so, which I deny. But after the 5th of April, they, for the first time, became law, by virtue of their emanating from a licensing Act, passed through the Supreme Court in the usual way, which still leaves the great grievance of my case unaltered; namely, that I was banished, without trial, for the pretended infringement of a set of Regulations for the press, which were not lawful when I was said to have offended them, and were only made lawful after my punishment had transpired, making me, therefore, the victim of their *ex post facto* application. Speaking of this licensing law, Mr. Peacock says, it was appealed against before the Privy Council in England by myself, and the appeal was dismissed with costs; from which he would infer that their present lawfulness was established beyond all doubt. But, besides their having been subsequently rejected at Bombay by the Judges of the King's Court there, as repugnant to the laws of the realm, even after the decision of the Privy Council, which would make their legality somewhat doubtful; besides this objection to them, I say, I do not now wonder in the least degree at the Privy Council dismissing the appeal; for, according to the maxim of Mr. Peacock himself, the secret meeting at Fife-house, which armed Lord Amherst with powers for crushing the press in India, morally pledged the King's Government to uphold that of the Company in every act they might commit in conformity with these instructions; and therefore many of the members of the same Government still continuing in office, their sympathies were more likely to go with the Privy Council than with the appellant; and the case being rather of a political than a civil nature, their decision was guided by reasons of state policy, which would not have operated had no such secret meeting as that signed at Fife-house existed. But state policy and strict legality are of course very different things.

The next case adverted to was the case of Mr. Arnot, and the correspondence between the Court of Directors and the Indian Government upon that subject was read, in which his removal from India is mentioned, and in which the Court assigns as their reasons for remunerating him by a grant of 1,500 l. the fact that his losses were such as were not contemplated by the Indian Government when they removed him, and therefore they were repaired. I hope the Committee will bear with me while I mention a few of the particulars of Mr. Arnot's case. That individual was residing in India without a licence, and was employed by me in the Calcutta Journal as an assistant, at a weekly salary. On my leaving India he was continued in the office as one of the assistant editors. In that capacity he wrote

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more severe articles than I had ever done, and was ordered home because he had no licence. He resisted this order and took refuge in the Danish settlement of Serapore. There even he resisted the orders of the Government, and was ultimately taken by military officers and confined in the Fort of Calcutta. He was put on board the *Fame*, for England. That ship touched at Bencoolien, near which place she caught fire, and Mr. Arnot's clothes and such books or papers as he had with him were destroyed. For these losses, not occasioned by any act of the Company but by the elements, he was awarded by the Court of Directors 1,500 *l.* Now, in the first place, he was unlawfully residing in India, never having had a licence to visit it at all, while I was duly provided with that requisite; in the next place, he openly defied and resisted the legal orders of the Indian Government, which I never did, as I left the country even sooner than the date fixed for my departure; and lastly, he was so destitute of property on leaving India, not having 10 *l.* when he first entered my employment, and but a moderate weekly salary afterwards, that 300 *l.* were advanced to him from my own funds by my agents there, by way of loan, to enable him to pay his passage homeward, while my property was, when I left India, of the full value of 40,000 *l.*, and all has been destroyed. Mr. Arnot was remunerated beyond what he ever possessed, while to me even the slightest aid has been denied.

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This brings me to the next fact to which Mr. Peacock adverted, the proceedings before the Court of Proprietors of India Stock, when a grant of 5,000 *l.* was proposed to be voted to me, as some small assistance to enable me to overcome my pecuniary difficulties, but by no means as a full and complete remuneration for the far more extensive losses that I had sustained; and it was inferred, because in the ballot which took place there was a large majority against me, that this was decisive of the merits of the case, the numbers being, I believe, 157 in favour of the grant, and 400 and upwards against it. But let the Committee consider for a moment what the question was. It was in reality to decide whether I or the East India Company were right. But who composed the tribunal of the judgment? Why, the East India Company themselves. It was the servants of this body that were to receive the censure if the vote had been carried, and it was the members of this body who were to pay the money if the grant should pass. It will be admitted, I think, that something more than the merits of the case were requisite to outweigh such odds. But even here it was a great tribute to the excellence of my cause to find 157 of the members of this very body voting on my behalf. A few extracts from the proceedings of that day will, however, set the subject in a much stronger light; and though I will content myself with reading the requisition by which the meeting was called, and the speech of Mr. John Smith, the eminent banker of the city, whose brother was then a director, I shall, with the permission of the Committee, do as I did in the former case, namely, put in portions of the speeches of other gentlemen on that occasion as testimonies to the character of my writings and conduct, and therefore important to me as evidence in this case. The extracts of the proceedings which I wish to submit are as follow:

“ Debate at the East India House.

“ East India House, April 7, 1826.

“ This day a special Court of Proprietors was held.

“ The minutes of the proceedings of the last Court having been read,

“ The chairman informed the Court that it was made special in pursuance of the following requisition:—

“ London, March 18, 1826.

“ To the honourable the Court of Directors of the East India Company.

“ Honourable Sirs,

“ We, the undersigned, proprietors of East India stock, duly qualified, request that you will be pleased to call an early special general Court of Proprietors, at which it is our intention to submit the following motion: “ That the severe loss of property sustained by Mr. Buckingham, in consequence of the measures of the Bengal Government subsequently to his departure from India, having involved him in pecuniary difficulties which it could never have been within the contemplation of the public authorities to occasion, but against which no human foresight on his part could have provided, and these difficulties having been greatly augmented by the obstacles which prevented him from returning to Calcutta for a short period to wind up his affairs, the proprietors of East India stock, animated solely by a desire to relieve that gentleman from the embarrassment in which he is now unhappily plunged, earnestly recommend to their honourable Directors that there be granted to Mr. Bucking-

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ham, from the funds of the Company, for the purpose of assisting him to surmount his present difficulties, the sum of 5,000*l.* sterling, being not more than one-eighth part of the estimated loss of actual property occasioned by the proceedings adverted to, assuring the honourable Directors, that they will meet with the cordial support of this Court in helping to repair misfortunes and alleviate sufferings, no doubt unwillingly witnessed and unintentionally inflicted.

" We have the honour to be, honourable Sirs,

" Your most obedient humble servants,

Joseph Hume.

Henry Gahagan.

John Wilks.

C. J. Doyle.

W. Maxfield.

Douglas Kinnaird.

Charles Forbes.

J. Doyle.

H. Strachey.

Joseph Dart, Sec.

" Mr. D. Kinnaird then rose, and spoke as follows: ' In submitting this motion to the Court, I feel myself relieved from the necessity of stating, at any length, the grounds upon which I hope it will receive the support of the Proprietors. The case has been already fully discussed in this Court. Those who heard me bring forward the case on a former occasion will, I think, give me credit for having endeavoured, *bonâ fide*, to establish it upon its own merits, unconnected with any collateral question. For myself, and my honourable friends who support me, I can say, that in advocating Mr. Buckingham's cause we have had no indirect object to gain, no indirect purpose to serve, and have desired to cast reflection in no quarter. If any intention of this kind be entertained by any persons, I for one disclaim it; I have no wish to connect the present question with any other, and shall confine myself strictly to following the course which I formerly pursued. The Company's servants who have the management of their affairs in India considered it necessary, for the good government of that empire, to send this unfortunate gentleman from India, for pursuing, what he (Mr. Buckingham) conceived to be a legitimate course of conduct. Mr. Buckingham having been sent from India, the question of his conduct there is at an end; I have nothing to do with it. I appeal to the Court on the ground that, after Mr. Buckingham's removal from India, his property has been made worse than nothing, by measures which certainly were not adopted with a view to his punishment, and were therefore unintentional; for it never could have been intended that Mr. Buckingham should be thus persecuted by the loss of his property. I acquit the Government of any intention to destroy Mr. Buckingham's property. If any person will undertake to say that this was intended to form part of Mr. Buckingham's punishment, I will at once give up the appeal which I now make to the Court. I however state, on the part of the Government, I make it the ground on which I stand, that the destruction of Mr. Buckingham's property was not intended by the Government as any portion of the punishment which they inflicted upon that gentleman, for what they conceived to be the evil manner in which he had conducted the press in India. I state this broadly, on the part of the Government, and I defy contradiction. I contend, without meaning to reflect upon anybody, that the loss of property which has happened to this unfortunate gentleman was an evil never intended by the Government to befall him. This gentleman possesses an unblemished character; he is pursuing a legitimate purpose in this country, by the success of which he must stand or fall; but whilst he is thus conducting himself, deprived of those resources which he had calculated upon as the foundation and sole support of his industrious exertions, instead of possessing a property in his paper in India, and his printing establishment there, he is deprived of all, and involved in debt also, and all this by the measures of Government, who declared that, so long as Mr. Buckingham had any property in the paper or types, a licence should not be granted for its publication. The result was, the property of the paper was transferred from Mr. Buckingham to other persons, without that gentleman receiving any compensation for what might be called the good-will of it. I state this without meaning to cast reflections upon any one, as the ground of my motion. The motion touches on no collateral question, it simply states the case as I have put it; and if any person wishes to confine it more strictly to an act of generous compassion, I am perfectly willing to adopt his suggestions. I have laid before the Court, as succinctly as possible, the grounds on which this unfortunate gentleman appeals to a body of his fellow countrymen, the members of the most opulent Company in the world. Before I sit down I ought to state, that I am provided with a requisition, signed by nine Proprietors, praying that the opinions of the Proprietors at large may be taken on this question. As an occasion will soon occur when a larger number of Proprietors will be in town than probably will be the case for some time, I hope the ballot may be fixed for that period.' The honourable proprietor concluded with moving the following motion:

" That the severe loss of property sustained by Mr. Buckingham, in consequence of the measures of the Bengal Government, subsequently to his departure from India, having involved him in pecuniary difficulties, not within the contemplation of the public authorities to occasion, and augmented by the obstacles which prevented him from returning to Calcutta to wind up his affairs, the Proprietors of East India stock, animated solely by a desire to relieve him from his embarrassments, earnestly recommend to their honourable Directors, that there be granted to Mr. Buckingham, from the funds of the Company, in order to assist him to surmount his difficulties, the sum of 5,000*l.*, assuring the honourable Directors that they will meet with the cordial support of this Court in helping to repair misfortune.

misfortunes and alleviate sufferings, no doubt unwillingly witnessed and unintentionally inflicted."

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"Mr. Hume.—I rise to second the motion, in the hope that the appeal now made to the humanity, consideration and justice of the Proprietors will be successful. I do not recollect any occasion on which an application on the part of any individual has been supported on such strong grounds of justice and reason as this claim on behalf of Mr. Buckingham. It would not be proper, as my honourable friend justly observed, to discuss on the present occasion the grounds on which Mr. Buckingham's removal from India originally took place. The offence for which the Government ordered him to be removed was, in the opinion of every candid man, sufficiently expiated by his transmission from India. That being the case, I submit to the Court that there never was an occasion when a stronger case came before them, calling upon them to relieve the misfortunes of an individual who has been utterly ruined, after having made the most meritorious efforts to obtain an independency. Under these circumstances, after the numerous appeals which have been made to the Court, I cannot conceive that the Proprietors of this Company, a body of wealthy and independent men, celebrated for the liberality of their transactions, will fail to give a favourable consideration to the case of an individual who has been ruined by no immediate fault of his own, but by the acts of your servants in India. I have seen some very sensible observations on Mr. Buckingham's case by the editor of a provincial paper. The writer, after giving an account of the proceedings in India, says, 'The suppression of the Calcutta Journal is the first instance in the page of English history of an English newspaper being put down by the act of Government.' The Proprietors are now called upon to exercise the inestimable privilege they possess, by granting to Mr. Buckingham only one-eighth part of the loss which he has sustained. This appeal to the generosity of the proprietors is made in the fairest manner possible, by not being confined to the few who are assembled here, but to the body at large, who all know the merits of the case, and can come prepared to give an unbiassed decision upon it when the proper time shall arrive. I hope that no person will mix the present question up with any other from which it is distinct. The question of the freedom of the press is in no way connected with the present question, which was entirely one of compensation for the loss of property sustained while he was absent from the scene, and could not possibly have done anything to deserve such a punishment. My confidence is strong that Mr. Buckingham's case will receive the support of the proprietors when it comes to be decided by ballot. I have never on any occasion been anxious to vote away the public money either here or elsewhere, without the strongest grounds for its necessity, and if I did not believe that the present claim was founded on justice, I would not support the motion."

"Mr. John Smith.—To return to the question immediately before the Court. I am inclined to support the motion both upon the general principles of justice, and the usage of the Company. Gentlemen will permit me to remind them that libels of a very gross character have been published in this country in the course of the last 20 years, libels of a most dangerous description, and which the Attorney-general has felt it his duty to prosecute; but what was the course of proceeding in this country? The libeller was not pursued to destruction. On the contrary, I appeal to the knowledge of every gentleman present, that the judge in passing sentence takes into consideration the amount of the offender's property. He does not sentence an individual who is not worth 500*l.* to pay a fine of 10,000*l.*, thereby condemning him to hopeless imprisonment. The decrees of our judges are tempered by mercy and common sense. I apprehend that Mr. Buckingham was exceedingly indiscreet in his conduct; but after all, it is tinged by some shades which, if fairly and candidly examined, might entitle him to indulgence. At all events, is it just that the whole of his property should be confiscated? I very much wonder at the proceeding by which this was effected. It might have happened that the property in India belonged to Mr. Buckingham's wife or his children, or to me or my honourable friend, or any body else. It is hardly consistent with the nature of justice to adopt any proceedings which must have the effect of destroying property, without first inquiring to whom it belonged. In any view of the question, the destruction of Mr. Buckingham's property and means is a punishment utterly incommensurate with his offence. I support the motion for the reason given by the honourable proprietor who spoke last, namely, that justice is eternal, and because I think that, in common sense and fairness, it is wrong to punish with too much severity, with a severity unheard of, and to which I defy any man to produce a parallel. Notwithstanding all that has been said by the honourable proprietor, notwithstanding the resolutions of the Government and the Board of Control, I feel firmly persuaded that the proprietors of this Company will on this occasion follow those sentiments and feelings which it has been justly said belong to them as a sort of property, and make Mr. Buckingham some small reparation for the injury which he has sustained."

"Mr. Gahagan said, it has been well observed by an honourable proprietor (Mr. John Smith), that the judges, in apportioning punishment, always look to the circumstances of the offender, but in the instance now before us every consideration of that kind appears to have been forgotten. The Indian Government having fulfilled what they conceived to have been their duty, by transporting Mr. Buckingham, ought not to have gone further. Rigorous as that measure was, they might perhaps justify it, by saying that they adopted it for their security; but what excuse can be alleged for taking those steps which destroyed Mr. Buckingham's property while he was himself in England? The noble Lord at the head of the Indian Government might say, 'I have heedlessly ruined a property which I never meant to destroy.' But of what avail would this confession be to Mr.

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Buckingham? That property having been ruined, no matter whether wilfully or inadvertently, surely the injured party should receive reparation. If, Sir, the Indian Government chose to exercise their power and rigour, they ought to take care, at least, that they exercised it in justice. If they inflict an injury which they never intended, they ought unquestionably to afford some redress for it. I shall suppose, for the sake of argument, that any member of one of the great houses of agency in Calcutta had become obnoxious to the Government, and was sent home in consequence. Suppose, for instance, that individual was Mr. John Palmer, and that he, for speaking or writing libels against the Government, was deported from India. After that sentence was carried into execution, could Lord Amherst say to the house of Palmer & Company, 'Gentlemen, I have by the authority intrusted to me by law, sent Mr. Palmer out of this country, and I now warn you that you shall not carry on business under the designation of Palmer & Company. Not only that, but Mr. Palmer's share shall be taken out of this firm, it shall be sent into the market, and it may fetch under the hammer whatever it will bring.' I put it to the Court whether this would not be a case of great hardship, and one which deserved remuneration. Yet such was Mr. Buckingham's case exactly, such was the injury inflicted on him, and I call on you, in the name of justice and equity, to repair the evil which has been inflicted on this much injured individual.

"I will now say a word or two as to the law of this question. An honourable proprietor says, that the Indian Government was by law armed with the power to do what has been done. He declares that they had a right to send Mr. Buckingham away, and afterwards to take those steps which have destroyed his property. But, Sir, the law says no such thing; the law gave no such power. The Government might say, 'Here is a person acting in a manner which we conceive improper; seize him, tipstaff; put him on board a vessel, send him immediately out of the country.' The law gave the Governor-general a right to do this, but the law at the same time said, 'Touch not the offender's property.' When Dr. Muston applied for a licence, the Regulations of the Government in the month of April ought to have pointed out to them the course which it was their duty to pursue. They might have said at once, 'You shall have no licence,' and there would have been an end to the matter. In that case, Mr. Buckingham's agents would have known what to have done; but instead of that straight forward proceeding, they had recourse to delay and procrastination. They said, 'We know whose property this is, and it is of this property, while Mr. Buckingham is connected with it, that we are afraid; so long as Mr. Buckingham has anything to do with it, we will grant no licence.' This declaration was not made until after a long delay, and the ruin of the property was the consequence. As I have said before, I do not believe that this deterioration of Mr. Buckingham's property was knowingly and cold-bloodedly effected; it is sufficient for my purpose that it was effected. It is sufficient for me to know that Mr. Buckingham has been deprived of the means wherewith to live like a gentleman, and when this is the case, surely I do not ask too much when I call on the Court to grant him a sum which, though by no means equivalent to his losses, will yet send him away in some degree satisfied (hear, hear).

"Sir C. Forbes.—Considering this, Sir, as an appeal to the humane feelings and liberal disposition of this Court, I shall abstain from saying one word on the circumstances which occurred previously to the departure of Mr. Buckingham from India; I shall confine myself to that which appears to me to be admitted on all hands, namely, that Mr. Buckingham has suffered very heavy losses, that those losses could not have been in the contemplation of the Government of India when the measures which produced them were resorted to, and that this unfortunate gentleman's situation is such as calls on us to extend to him that degree of assistance which will prevent him and his family from being reduced to beggary.

"With respect to Mr. Buckingham's pecuniary circumstances, I have reason to know that that gentleman will disclose with pleasure what the state of his circumstances is, and that he even courts inquiry into his situation. Mr. Buckingham, I can assure the Court, is very far from being in the state of affluence described by the honourable proprietor. If he is one sixpence before the world, it is a fact contrary to what I think and believe. I know he is in debt to his agents in India, and I am sure that not only they but individuals in this country can bear out my statement.

"It is said, Sir, that I have an interest in this question. I have, it is true, an interest, but not of a pecuniary nature. It is an interest infinitely stronger in my estimation than that of a pecuniary character, the interest of humanity. It has been asserted that I have advanced loans of money to Mr. Buckingham; I deny it. Mr. Buckingham does not owe me one shilling, and what is more, he never applied to me for assistance. He has, however, been assisted by his friends, who, much to the credit of their feelings, came forward with their aid to prevent him and his family from being turned into the streets. Yes, Sir, Mr. Buckingham has been assisted—generously assisted, by his friends, and I presume that is not a circumstance that will militate against him. I trust it will not operate against, I will not say the claim of Mr. Buckingham, but against the object which his friends have in view in bringing this question before the Court. I rather think, Sir, on the contrary, that it will be considered as strengthening the appeals so forcibly made to our feelings on this occasion. As to the style in which Mr. Buckingham lives, I can inform the honourable proprietor that he lives in the most humble and frugal manner. It would, I am sure, surprise the Court if I described to them the extreme moderation of that unfortunate gentleman. He has been obliged to give up a comfortable dwelling, which he was induced to take on his return to this country, in the hope of enjoying a property which he had left behind him in India, but which property has vanished in consequence of the course pursued by the

Indian

Indian Government. He is now in a worse situation than he ever contemplated; he is largely in debt to his agents; he has been compelled by distress to remove from this comfortable dwelling, and he has retired to a small house in the suburbs of this great city. I pledge myself, Sir, if it be necessary, to put it in the power of any gentleman in this Court to satisfy himself of the truth of this statement. Such, Sir, is Mr. Buckingham's situation at the present moment. If gentlemen have doubts on this subject, the fact can be proved by Mr. Buckingham's friends, for friends he has who will stand by him, whatever may be the result of this day's proceedings. Yes, Sir, I am proud to say that he has friends who will support him, and advocate the cause of justice against oppression over and over again, even to the termination of our charter, &c, even to the conclusion of that which may follow; and I earnestly hope they will never lose sight of the object they have in view until they have accomplished it. The object of my honourable friend is to make an appeal to the humanity of this Court to grant to Mr. Buckingham a very small portion of that property which he has lost, or to speak more correctly, of which he has been deprived, not as I am willing to believe by the design of the Indian Government, or with the concurrence of the authorities in this country, but which has been inevitably lost under circumstances which have occurred subsequently to his leaving India. In making this appeal to your humanity, I am happy to think, whatever may be said in this Court, or rather whatever may not be said in this Court, that a great body of the proprietors at large will be disposed to adopt this resolution which is now under consideration. I will say that out of this Court, and even within its walls, I have met with very few proprietors who did not acknowledge that they are disposed to give Mr. Buckingham some remuneration; and I trust, Sir, that when we come to the ballot, those generous feelings which ought to influence all humane and liberal minds, will operate to procure for Mr. Buckingham the sum which is now called for.

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"I conjure them not to let what has been stated, and so ably and eloquently stated in favour of Mr. Buckingham, particularly by the honourable proprietor (Mr. John Smith), whose speech made so powerful an impression upon the Court, to pass without producing a commensurate effect. From the manner in which that excellent speech was received, from the weight which is attached to every thing which falls from the lips of that honourable gentleman, I augur favourably for the cause of Mr. Buckingham. I hope, Sir, that every gentleman will come to the ballot on this occasion discarding from his heart all unkind feelings towards Mr. Buckingham, and prepared to do that which his better feelings, the feelings of compassion and humanity, must dictate to him, namely, to impart to Mr. Buckingham, to his wife, to his children, that assistance which will enable them to maintain their present rank in society, and which will secure them from being plunged into destitution. Sir, I anxiously hope that, when we come to a ballot, the proprietors will give to Mr. Buckingham the trifling sum which is now called for. It is, Sir, trifling compared with the extensive losses he has sustained, but still it will, to a certain degree, repair that loss. As I have before said, I have no interest whatsoever in this question, except the great interest of humanity; and I do not believe that there is one gentleman who has signed the requisition before the Court, or who has put his hand to the paper calling for a requisition, that has any more interest in it than I have. I beg pardon for having stated my sentiments at such length. I could not, however, avoid it, Sir, as this is a subject on which I feel very strongly, and I hope, however inadequately I may have expressed myself, that the Court will give me credit for speaking my opinion plainly and sincerely."

To show that these views were strengthened rather than weakened by lapse of time, I beg to add to the preceding a very few short extracts from the second proceedings in the House of Commons subsequently to this, when Lord John Russell, in the absence of Mr. Lambton at Naples, kindly brought my case again before Parliament, and obtained the Committee of 1826. On that occasion the following speeches were made.

"**LORD JOHN RUSSELL** said, Within a short time after Mr. Buckingham's departure, an order was given to suspend the publication of his Journal; he had come home to England, and at considerable expense had sent out materials for printing and other purposes, in order to support his establishment in India; but an order in the mean time had been issued to suspend the publication of his Journal, which order destroyed his property. This, it may be imagined, was a serious injury to the petitioner. Let the House for a moment consider the situation in which he was placed. He had sent out, at an immense expense, materials for continuing his paper, all of which were rendered useless by the order for suspending its publication. In answer to the applications of his agents for permission to another person to manage it for him, it appears that Dr. Muston, a son-in-law of one of the members of the Council, was the only person who would be permitted to superintend it. But it was not to be expected that Mr. Buckingham could be satisfied to leave the management of his property in such hands. This limitation amounted in fact to a total annihilation of the copyright. In conclusion, the petitioner stated that in consequence of all these arbitrary and oppressive proceedings on the part of the Indian Government, he had not only lost the 20,000*l.* which he progressively invested in the paper, but that he was also 10,000*l.* in debt. Such then being the statement of the petitioner, he (Lord John) thought it was a case calling for the serious attention of this House. The punishment was far disproportioned to the offence with which he was charged. The second point upon which he rested

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the claim of Mr. Buckingham to the attention of the House, was the severe and unmerited hardships to which he was subjected. These hardships were intimately connected with the liberty of the press in India, because it would seem the Governor had the power of sending away an Englishman upon the supposed abuse of that liberty, when no other man could be sent away on such slight grounds. The Marquis of Hastings, wishing to restore the press of India to something like liberty, abolished the censorship which previously existed, by way of experiment; but upon the departure of the Marquis of Hastings, the experiment being found not to succeed, the old punishment by banishment, and the loss of his property was visited upon the petitioner. Though under the government of such a man as the Marquis of Hastings fair discussion might be carried on so long as writers abstained from slander and abuse, even with a censorship, yet he had the foresight to see that such might not be the case with his successors, and therefore abolished the censorship. It had been said that the measures of the Marquis of Hastings had led to these transactions, but he had seen communications from that noble Marquis, in which the removal of Mr. Buckingham was condemned; because, says Lord Hastings, whatever might have been the tendency of Mr. Buckingham's writings, of wilful and deliberate offence to the Government he never was guilty.

"As to the propriety or expediency of a free press in India, that was a question into which he did not mean to enter at present, he should confine himself strictly to the wrongs which the petitioner had suffered, and he complained of it as gross injustice, that because the Marquis of Hastings had thought fit to abolish the censorship and try the experiment of a free press under certain regulations, and because that experiment had not succeeded, that therefore the whole loss should fall upon the petitioner.

"However, there could be no doubt that Mr. Buckingham had been most hardly dealt with in having had his property altogether destroyed without compensation, because it suited the views of the Government to destroy the freedom of the press. This was a case of individual grievance, which imperatively demanded the attention of the House, and he therefore meant to move that the petition he now held in his hand be referred to a Select Committee instead of the usual course of moving that it lie on table.

"Mr. SCARLETT observed, that no action could be brought against the Government of India for the exercise of that prerogative, and the only mode of redress therefore left was that stated by the noble Lord, a Select Committee of Inquiry. He was surprised that the House, who were said to be the guardians of the lives, the liberties and properties of the people, could hear one clause of the petition read without instantly affording the petitioner the means of redress. The petitioner stated that he was banished from India himself, and that the licence or copyright of his Journal was taken from him and co-proprietors without compensation, and presented as a gift to the son-in-law of one of the members of the Government; could the House endure this statement without endeavouring to ascertain its truth. Not only was he banished, but the most valuable part of the property he left behind him was also taken from him without consideration. If these statements were proved, the Government of India deserved the reprehension of the House and the country for punishing a man without trial. Without giving him the opportunity of defending himself, they transported him and destroyed his property, and then the only answer they gave him was, that it was given to his friend Dr. Muston. He was unwilling to use any harsh terms, but this conduct was not only oppressive but corrupt, and should his noble friend, acting upon the hint given him by the right honourable gentleman opposite, give notice of a motion for a Select Committee of Inquiry on another day, he would certainly support him.

"Mr. JOHN SMITH joined in condemning the conduct of the Government of India in their treatment of Mr. Buckingham. They reduced him to poverty. They not only confiscated all his property, but encumbered him with debts. He regretted to see that every attempt made by Mr. Buckingham to obtain redress, was treated with contempt, though he had a large family, and claims which ought to have entitled him to some consideration, he was sorry that nothing had been given him; such conduct, he contended, was oppression beyond the occasion. For these reasons he would support the motion of the noble Lord, and hoped the result of the inquiry would be that an injured individual would be redressed."

This subject of the transfer of the copyright of my Journal to Dr. Muston, by which property was taken from me without consideration, which the favoured individual himself subsequently sold for a large sum of money to the proprietors of another newspaper, the Bengal Hurkaru, and which Mr., now Sir James Scarlett, very truly describes as corrupt as well as oppressive, was proved in evidence delivered before the Committee of 1826, by a series of letters to and from Mr. Bayley, Mr. Ballard, Dr. Muston and others, the originals of which are still in my possession, and were shown to the Committee then, as will appear by reference to the Minutes of Evidence, page 23. I will content myself here with alluding to the fact which they prove, but with the permission of the Committee I will use the same privilege which they have accorded to Mr. Peacock, of giving the ~~name~~ and substance of the documentary evidence verbally, to save the time of the Committee, and placing the documents themselves on record at length. The letters are as follow:

" To J. S. Buckingham, Esq., London.

" Dear Sir,

" Calcutta, 2d January 1824.

J. S. Buckingham,
Esq. M.P.

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" We have delayed writing fully to you on the subject of the affairs of the Calcutta Journal. We were aware that communications were made direct to you from the office, and have of late postponed writing until we might be able to inform you of the final arrangements intended to be adopted for the concern. We need not repeat the circumstances which led to the suspension, in November last, of the licence under which the paper was published. With a view to promote your interest, as well as that of the other proprietors, we used every exertion to procure the restoration of the licence, and at one time had some prospect of success. We have now ascertained that no licence will be granted for the issue of any paper from the Columbian press whilst the ownership is constituted as at present. This being the case, it has become necessary to make some arrangement for the close of the present concern and the transfer of the property to the best advantage. Mr. W. P. Muston has been negotiating with us for the purchase of the stock in trade and goodwill of the concern, such as it now is, and we expect a formal overture from him when he has assured himself that he will be able to obtain a licence. Should we fail in effecting to him or some other person a private sale, which may be deemed satisfactory, it will become necessary to dispose of the whole concern by public auction. Further delay will detract from the value of the property.

" We are, dear Sir, your obedient servants,

" Alexander & Co."

" To J. S. Buckingham, Esq., London.

" My dear Buckingham,

" Calcutta, 8th January 1824.

" Your several correspondents here will have reported the progression of destructive events, which was closed with the utter ruin of your press. It is sunk irretrievably and eternally, until some constitutional change be operated on the Government. It has been disclosed that no paper in which you had an interest would be tolerated, or even in which those who had an interest in the Calcutta Journal might be concerned; but the public declaration of this proscriptive doctrine has not been hazarded, so that we can only reach the fact by means always unwillingly resorted to, and which might be disavowed as a rule of Government though uttered by one of its members!" * * * *

" Believe me always your's faithfully,

" John Palmer."*

" To J. S. Buckingham, Esq., London.

" My dear Sir,

" Calcutta, 10th February 1824.

" I regret that I have nothing satisfactory as yet to communicate in respect to the affairs of the Calcutta Journal since our letter of the 2d of January. The enclosed copies of correspondence will show how matters stand at present, and you will form from it a correct idea of the feelings felt towards the property vested in the Calcutta Journal. It is sufficient to say that Mr. W. P. Muston's last letter has as yet received no reply. This procrastination is fatal to your property. In the hope of Mr. Muston being able to hire the concern on the principle of an arrangement specified in the circular to the shareholders, a heavy establishment has been kept up, and by the delay, the chance of your subscribers transferring their goodwill to the 'British Lion,' a successor of the Journal, is nearly annihilated. The party who gains most at your cost is the owner of the Harkaru newspaper. You may recollect that on the suspension of the licence of the Journal, Mr. S. Smith, proprietor of the Harkaru, volunteered and was employed to furnish, *pro tempore*, your subscribers with his paper. This arrangement at once made that paper productive; so much so, that the owner has been enabled to induce Dr. Abel, the private physician of the Governor-general, to accept the editorship on terms which I have heard improve as the profits of the paper may increase. I fear the value of the Journal is now only limited to its printing materials. We shall probably shortly have to advise the final close of the concern by sale. We cannot much longer keep up the present establishment whilst the Government is slowly deliberating on the expediency and safety of permitting use to be made of types and materials which were bought with a fund in which you have a principal share. The correspondence enclosed is only part of what has passed. As you may wish to see the whole, it shall be sent hereafter.

" Your's faithfully,

" J. C. C. Sutherland."†

" No. 1.—November 19, 1823.—Mr. Ballard to Dr. Muston.

" My dear Muston,

" Palmer and myself now tender you the editorship of a new paper, which it is intended to publish from the late Calcutta Journal press. Your salary shall be fixed at 600 rupees per month;

* Head partner of the firm of Palmer & Co., the wealthiest and most extensive mercantile firm in India.

† Partner in the firm of Alexander & Co., Mr. Buckingham's agents, and one of the largest houses of business in Bengal.

J. S. Buckingham,
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month; and if the paper flourishes, you shall have our recommendation of a proportionate increase. If you accede to our terms, say so; and I will immediately ascertain the form of application for a licence.

"Yours, &c.

G. Ballard."

"No. 2.—November 28, 1823.—*Dr. Muston* to *Mr. Bayley*, Chief Secretary to Government.

"Sir,

"By the enclosed it will appear that I have engaged to be the editor of a paper belonging to certain proprietors, the principal of whom are Messrs. Palmer & Ballard; and I beg you will assure the Right honourable the Governor-general in Council, that both from principle and interest, independently of my public and official situation, (which would alone render it my duty,) I shall pay the most scrupulous attention to the letter and spirit of the press regulations, and therefore hope to obtain that licence which it is the object of this letter to solicit.

"I have the honour, &c.

"W. P. Muston."

"No. 3.—December 18, 1823.—*Mr. Ballard* to *Dr. Muston*.

"My dear Muston,

"Unless you can get *Mr. Harrington* to interest himself on your account, the licence will not be granted†. I cannot imagine where the difficulty lies; if I could, I would do anything, not incorrect, to remove it. I am, on all accounts, anxious to see you at work.

"Yours,

"G. Ballard."

"No. 4.—December 20, 1823.—*Mrs. Muston* to her Husband.

"My Love,

"Henry came here, to tell you that my father‡ had seen *Mr. Fendall*§, from whom he learned that the licence had been refused, and would be refused, so long as *Mr. Buckingham* had any share in the concern. They have none, the slightest objection to you; but the writing of *Mr. Ballard's* letter to you says you will have the sole control, so long as he and *Mr. Palmer* are proprietors; from which the Government infer you would have it only so long, and then you might be subject to *Mr. Buckingham's* interference.

"Yours,

"M. Muston."

"No. 5.—December 23, 1823.—*Mr. Bayley* to *Dr. Muston*.

"Sir,

"I am directed by the Right honourable the Governor-general in Council to acknowledge the receipt of your letter of the 13th instant, and to apprise you, that after full consideration of the circumstances stated in it, and in *Mr. Ballard's* private communication which accompanied it, his Lordship|| in Council does not deem it expedient to sanction the application contained in your letter of the 28th ultimo, and in that acknowledged.

"I am, &c.

"W. B. Bayley, Chief Secretary to Government."

"No. 6.—December 31, 1823.—*Dr. Muston* to *Mr. Bayley*.

"My dear Sir,

"Being informed that the agents of *Mr. Buckingham* have given orders to pay off the establishment of the *Columbian Press*, preparatory to a peremptory sale of the property, I was desirous of ascertaining whether I could get assistance from my friends for purchasing the same. Provided I can satisfy them, that the purchase will not be merely that of the types, &c. without the power of using them, I am led to hope the sum for which it will sell will be within their power to raise. I, of course, feel no fears respecting the conduct of Government towards myself; but it is still a matter of the most serious importance, that I should ascertain the certainty of being allowed a licence, before I avail myself of their kindness, or embark myself in so serious an undertaking. Will you kindly do what may be within your power on this occasion, and inform me, whether it would be necessary or proper that I should solicit an audience of his Lordship.

"Yours, very faithfully,

"W. P. Muston."

* Directing resident partner of the house of *Alexander & Co*, the head partner being then absent from Calcutta, and now in England.

† *Mr. Harrington* was at this period a member of the Supreme Council of Government, and the father of *Mrs. Muston*.

‡ *Mr. Harrington*, the gentleman named in the preceding note.

§ Another member of the Supreme Council.

|| This private communication has not been sent with the rest of the correspondence.

No. 7.—December 31, 1823.—Mr. Bayley to Dr. Muston.

"My dear Sir,

"I think it would be advisable for you to request an audience of Lord Amherst, before you make any engagement of the nature adverted to in your note. Government would not, I think, grant the licence, except from a perfect assurance that the concern and influence were altogether transferred from the former hands; that the ostensible are the real proprietors; and that the rules regarding the press would be attended to in their spirit as well as in their letter.

"Yours, very truly,

"W. B. Bayley."

J. S. Buckingham,
Esq. M.P.

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No. 8.—January 9, 1824.—Mr. Ballard to Dr. Muston.

"My dear Muston,

"Of all our constituents, none have proved so troublesome as the defunct Journal; we can neither satisfy the pecuniary or political interests or views of those whom we are bound to serve as agents or subjects. However, I have determined not to trouble the Government, my friends, or myself any more, but to sacrifice the property; and it is therefore at your service, if you are bold enough to buy it at a fair valuation, or at auction: or if you please to rent it, which I think is a better plan, I will let it to you for a twelvemonth certain, at 2,500 rupees per month, including house-rent; and at the end of this period of probation you shall have the refusal of it. The renting can be applied only to permanent stock, not that which is consumed in the using; for such you must pay, as far as that on hand goes, and provide yourself in future. Before you do anything, however, ascertain if you can get the assistance you expect, and above all, a licence.

"Yours,

"G. Ballard."

No. 9.—January 10, 1824.—Dr. Muston to Mr. Ballard.

"My dear Ballard,

"From the impression left on my mind, after a long interview with the Governor-general on the subject of a licence for the Calcutta Journal, I am inclined to believe that no objection will be made (on a renewal of my application), provided another name be substituted for its designation, and that the Government is convinced at the same time of my being *bonâ fide* the proprietor of it. The property Mr. Buckingham possesses in it is no objection, if it can be held without a right of influencing its details by any interference on his part; and this is a point on which you must be better able to speak than I can. It appears at first sight to be impossible to prevent the proprietor exercising a proprietary right; but as his agents, you may do what perhaps he could not do himself; I mean, dispossess him of that right, by letting the press, as you have already proposed to do, for a certain period of time. In this manner I might become the *bonâ fide* proprietor for that time, and could apply for a licence for that period only. The name also was objected to by Lord Amherst, and I should think the 'Scotsman in the East' (as that is, in my opinion, the best paper now in existence) the best name for a new publication. I will see Mr. Duncan and Mr. Sutherland, for the purpose of ascertaining what aid I can get; without that the attempt would be vain.

"Yours, &c.

"W. P. Muston."

No. 10.—January 13, 1824.—Mr. Harrington* to Dr. Muston.

"My dear Muston,

"I spoke to Bayley†, who thinks Government will not be satisfied with a transfer of the management to you for 12 months, or any other limited period. He thinks nothing less than a transfer of the property from the present proprietor will suffice, and says the licence must be given to the proprietors, printer and publisher, not to the editor only.

"Yours, truly,

"J. H. Harrington."

No. 11.—January 15, 1824.—Dr. Muston to Mr. Bayley.

"My dear Sir,

"I heard from Mr. Harrington it was your opinion that no licence would be granted to me, unless I became proprietor of the concern, or an actual transfer of the property was made from the present proprietors to others, who should apply with me and the printer jointly for a licence to publish a newspaper. If this be the case, I have misunderstood Lord Amherst, who appeared to me to require only the exclusion of Mr. Buckingham from all and every power of interference or control, and in no way to injure that gentleman's property.

* Dr. Muston's father-in-law, and a member of the Supreme Council.

† Mr. W. B. Bayley, Chief Secretary to Government.

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property*. Indeed, his Lordship distinctly stated it to be his wish not to injure the property vested in the *Columbian Press*; but this wish cannot be realized, if the property be transferred from the present proprietors†. His Lordship also stated the necessity for changing the name of the *Calcutta Journal*, a circumstance, I conclude, his Lordship would not have deemed of importance to mention, had he not intended to favour me with the grant I applied for in the event of my being able to effect the object of exclusion before mentioned. Mr. Hogg is preparing a draft, securing to me the entire control of the contents of the paper, and full and sole possession of the concern (I agreeing to pay the profits of the same, after meeting every disbursement, including my own per-centage on the returns of the paper) for one year, renewable at the option of the parties concerned. This draft I intend to forward for his Lordship in Council's inspection and approval, and any alterations suggested in consequence will be instantly complied with. The property will be a *bonâ fide* transfer from the proprietors to me for one year, and I shall only solicit a licence for that term, at the close of which the Government will be able to judge how far the paper is deserving of a renewal of its licence or not.

"Yours, &c.

"*W. P. Muston.*"

"No. 12.—January 16, 1824.—Mr. Bayley to Dr. Muston.

"My dear Sir,

"I cannot with propriety write on this subject in my private capacity. I stated to Mr. Harrington my impression, that a temporary transfer of the nature described would not be such as would induce the Government to grant the licence; but, of course, the question will be considered with reference to the circumstances which may be stated in your proposed official communication.

"Yours, very faithfully,

"*W. B. Bayley.*"

"No. 13.—January 24, 1824.—Dr. Muston to Mr. Williams, Solicitor.

"My dear Sir,

"The accompanying documents, Nos. 1, 2, 3, 4 and 5, relate to terms in which Mr. Ballard (as attorney for Mr. Buckingham)‡ and myself are agreed; and provided the shareholders do not object thereto, we propose to conduct for a time the paper, we may be allowed to publish from the *Columbian Press*, on the terms alluded to. The private notes at B. and C. will point out the difficulties to be overcome, and how necessary it will be to obviate any which can be made on the subject of that control which Government is so determined to destroy. What is required at present is, that you should prepare a draft of a deed, in such manner as your judgment and experience will suggest, in order that it be submitted to Government and the shareholders previously to its being engrossed. I shall be happy to consult with you personally upon the subject, should you require any further information.

"Yours, truly,

"*W. P. Muston.*"

"No. 14.—January 26, 1824.—Mr. Williams to Dr. Muston.

"My dear Sir,

"For want of the documents I have required, I cannot prepare a deed with proper force and effect. I should have been very glad to draw such a deed professionally, if I had possessed the requisite materials. The several (perhaps 200) shareholders have legal rights in the property in question, and I cannot convey them to you without having some visible authority for so doing §.

"Yours, faithfully,

"*J. W. Williams.*"

"No. 15.—January 26, 1824.—Dr. Muston to Mr. Bayley.

"Sir,

"I beg the favour of your laying the enclosed draft of agreement (making over to me the property of the *Columbian Press*, for a twelvemonth, by Messrs. Alexander & Co., the agents of Mr. Buckingham, they having obtained also the sanction of the shareholders resident in Calcutta to that measure), and at the same time to solicit from the Governor-general

* There is something extremely new and ingenious in this idea of depriving a man of all control over his own property, without doing the least injury to the property itself. It could have originated in no other country than India.

† Here is a distinct acknowledgment of the injury, which even Dr. Muston saw was inevitable, from a compulsory change of proprietors.

‡ In his capacity of partner of the firm of Alexander & Co.

§ These legal rights, which an English lawyer could not even temporarily convey, without due legal authority, the Governor-general took upon him altogether to destroy, without a shadow of right to justify such an unlawful proceeding.

general in Council the licence applied for in my letter of November 28th, 1823. Should the Government be satisfied with this draft, it shall be immediately engrossed and executed. The intimation I received from the Governor-general respecting a new name by which the paper is to be designated, will be duly attended to, and should it meet the sense of Government, it is proposed to call it 'The British Lion.'

"I have the honour to be, Sir, your most obedient humble servant,

"W. P. Muston."

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"No. 16.—January 30, 1824.—Mr. Bayley to Dr. Muston.

"Sir,

"General Department.

"I am directed by the Right honourable the Governor-general in Council to acknowledge the receipt of your letter of yesterday's date, and of its enclosure. The temporary nature of the proposed arrangement, as described in those papers, does not afford any security that the control and influence of Mr. Buckingham in the management of the paper may not again be exercised at the expiration of one year, to which only the engagement extends*, and the Governor-general in Council does not, therefore, deem it expedient to comply with the application submitted by you. The draft of agreement which was enclosed in your letter is herewith returned.

"I am, Sir, your obedient servant,

"W. B. Bayley,

"Council Chamber."

"Chief Secretary to Government."

"No. 17.—February 4, 1824.—Mr. Sutherland to Dr. Muston.

"Dear Sir,

"As Mr. Ballard may be absent some days, I wish to know if you are likely to obtain a licence for a new paper; the keeping up the old establishment of the Journal is ruinous. Can you not apply for leave to set up the ————— (any name), a daily paper, your own property? What is it to Government whether you buy or hire types? If there is no chance of your obtaining a licence, we will sell the concern.

"Very truly yours,

"J. C. C. Sutherland."

"No. 18.—February 4, 1824.—Dr. Muston to Mr. Sutherland.

"My dear Sir,

"I lost no time in meeting your wish on the subject of a licence, and addressed Mr. Bayley privately on the moment of its receipt. I stated my idea respecting the several refusals I have met with, that no licence would be granted for a paper, which licence in prospectus could be considered the property of Mr. Buckingham and his shareholders, adding, if I was correct in my suspicion of the cause of my failures, I hoped he would obtain permission for me to apply (on my own account and responsibility) for a licence according to the form prescribed.

"Yours, truly,

"W. P. Muston."

"No. 19.—February 10, 1824.—Dr. Muston to Mr. Bayley.

"Sir,

"An offer I made to the agents of Mr. Buckingham to rent the concern having been accepted, I am now totally unconnected with Mr. Buckingham or the proprietors of the late Calcutta Journal, and therefore hope the enclosed, which is in conformity with the rules laid down in the Press Regulations, will be complied with, and that his Lordship in Council will allow me to edit and publish the British Lion on my own account.

"I am, &c.

"W. P. Muston."

"No. 20.—February 10, 1824.—Mr. Bayley to Dr. Muston.

"My dear Sir,

"You will receive an official answer to your last official letter in the course of to-morrow. It is merely to the effect that Government were aware, in the former answer they gave you, that the application for a licence, as regarded yourself, was for one year only. I cannot with propriety on such a subject as this enter into a private correspondence, or reply satisfactorily to your private note. My own notions might not prove to be those of the Government, and I might embarrass you and others by saying that which might not ultimately be confirmed when the subject was officially considered. I can only recommend

* The only way in which Mr. Buckingham could again resume his influence and control over the management of his own paper, would have been in consequence of his being permitted by the Court of Directors of the East India Company to return to Calcutta; and, as if this were anticipated, the servants of this Company thus determined to counteract even the measures of their honourable masters!

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mend you to put the subject of your newspaper in as distinct and clear a light as possible in an official letter. If you are *bonâ fide* the actual purchaser and proprietor of the concern, and the interest of Mr. Buckingham in it be entirely and permanently at an end, I, as an individual, should conceive that no objection could be made. You will consider this as the private opinion of a private individual, and for the correctness of which I cannot vouch.

Yours, truly,

" W. B. Bayley."

" No. 21.—February 10, 1824.—Mr. Sutherland to Dr. Muston.

" My dear Sir,

" Permit me to ask if you have taken the preliminary steps for bringing personally before the Government your application to establish a paper of your own. We are anxious to adopt something decisive as to the stock of the Calcutta Journal.

" Very truly, yours,

" J. C. C. Sutherland."

" No. 22.—February 11, 1824.—Dr. Muston to Mr. Sutherland.

My dear Sir,

" Mr. Bayley promised me a reply to my last application (which was a public one, for a licence commensurate with the lease for one year) in the course of to-day. He advises me to put the object I have in view in a clear and distinct form officially; and if I can do so, as the actual proprietor, showing that the interest of Mr. Buckingham in it has entirely ceased, he thinks (as an individual, not as a public servant) that no objection would be made. From this it is evident that no licence will be granted unless I make an application unconnected with the proprietors and shareholders of the Calcutta Journal. If your house will let me the concern for a period, say one year, at a rent to be claimable from the actual profits, or receipts above a stipulated sum, at which the expenditure (from an average of years) might be fixed, I will rent it, and set up a paper unconnected with the Calcutta Journal, and *bonâ fide* my own.

" Yours, truly,

" W. P. Muston."

" No. 23.—February 12, 1824.—Mr. Bayley to Dr. Muston.

" Sir,

" I am directed by the Right honourable the Governor-general in Council to acknowledge the receipt of a letter from you of the present date, with its enclosure, and, in reply, to transmit to you the accompanying licence, authorising Mr. Peter Stone D. Rozario to print and you to publish, in the English language, a daily newspaper, entitled and to be called 'The Scotsman in the East.' I am likewise directed to transmit to you for your information and guidance, and that of Mr. D. Rozario, the accompanying copy of printed rules passed on the 5th of April last.

" I am, Sir, your obedient humble servant,

W. B. Bayley,

" Council Chamber."

" Chief Secretary to Government.

" No. 24.—February 12, 1824.—Licence.

" General Department.

" William Pitt Muston, a surgeon in the service of the Honourable Company* on the Bengal establishment, having applied to the Right honourable the Governor-general in Council for a licence to print and publish, in Calcutta, a daily newspaper, entitled and called 'The Scotsman in the East,' and having delivered to the Chief Secretary to Government the requisite affidavit, subscribed and sworn by him the said William Pitt Muston, and by Peter Stone D. Rozario, the Governor-general in Council does hereby authorize and empower the said Peter Stone Rozario to print, and the said William Pitt Muston to publish, in Calcutta, at No. 4, Bankshall-street*, (being the house or place in the said affidavit specified), and not elsewhere, a newspaper, to be called 'The Scotsman in the East,' and not otherwise, whereof the said Peter Stone D. Rozario (and no other person or persons) is to be the printer, and the said William Pitt Muston (and no other person or persons) is to be the publisher and proprietor†. By order of the Right honourable the Governor-general in Council, this 12th day of February 1824.

" W. B. Bayley,

" Chief Secretary to Government.

* The house of Mr. Buckingham, in which the Calcutta Journal had been carried on, in premises built for that purpose out of Mr. Buckingham's own money.

† Thus transferring a property of stock, materials, copyright and good-will, which it had cost 20,000*l.* in sterling money, and five years of hard labour to create, from its rightful owners—including 70 other Proprietors—to an individual who had not paid a farthing nor spent a day in the accumulation of that property, of which, by a single stroke of the Government Secretary's pen, he was thus constituted the sole and exclusive proprietor!

The object of the Government was thus, by this series of wrongs on my person and property, now at length effected; and by them it was pretended, and by others repeated, that after this removal of my control, and the destruction of my Journal, the freedom of the press in India would be extinguished, and all its excesses curbed. Let us see, then, whether this was the case. You have it in evidence that the press in Bengal, under Lord William Bentinck, is now, in the language of Mr. Lushington, perfectly licentious. In Bombay, the Regulation for restricting it was rejected by the King's judges, so that there the press is perfectly free; and what it is at Madras may be gathered from the facts stated by Mr. Peacock, who has read to the Committee a report of a trial in the Supreme Court of Madras, for a treasonable and seditious libel, published in the Madras Gazette of the 14th of December 1833, and tried on the 10th of January 1834. The article purports to be a letter from Cananore, and among the topics set forth are these two: In one, the writer recommends the native soldiers to shoot or stab their European officers, as one Imaum Ali had assassinated Colonel Coombs of the Company's army; and, in another, he recommends the Indo-British, or half-caste population, to massacre the civil servants of the East India Company rather than submit longer to their odious and oppressive tyranny. Now if any thing could warrant the banishing of an editor without trial, or the suppressing his paper, it would be such writings as these. But the Committee has heard the result from Mr. Peacock's own statement. It was this: that the editor, William Branson, yeoman, as he is described in the indictment, was tried in the King's Court, was found guilty of printing and publishing a treasonable and seditious libel, and was condemned to pay a fine of 500 rupees, or about 50*l.* sterling, to be imprisoned for three months, and find two sureties for his good behaviour in the sum of 250 rupees, or 25*l.* sterling, each.

I beg the Committee to observe, then, first, the monstrous inequality of the punishment inflicted upon an editor who could make his paper subservient to such atrocious purposes as those, and that inflicted on myself, against whom no conviction for libel was ever had, and whose paper was, according to the testimony of Mr. Lushington and Mr. Fergusson, entirely free from anything approaching to Mr. Branson's offence. I may ask them to observe, next, how thoroughly falsified were all the predictions of those, who justified the banishment of my person and destruction of my property, by assuring themselves and others that when they had once got rid of my control and opposition, the press in India was to become perfectly harmless and inoffensive; for Mr. Adam's language, in his letters to the India Directors at home, was this, that when they had "got me fairly out of the country," they should be "better able to strike a decisive blow at the system," and thus "finally to suppress the mischief." Vide *Appendix IV.*, page 54.

All the reasonings, therefore, contained in Sir Thomas Munro's Memoir, as to the incompatibility of a free press and a conquered country, and all the predictions of himself and Sir John Malcolm,—for in this they are said to agree,—that when the freedom of discussion became general in India our empire must be destroyed, fall to the ground; for that freedom has now gone to a much greater extreme in Bengal, Bombay and Madras, than any one had ever contemplated, and yet the stability of the empire is greater now than at any former period, as, indeed, every country must become more and more settled that punishes all offences by appeals only to the laws, and asks for no other powers than an independent bench and bar and an honest jury.

By the new charter recently passed through Parliament for the future government of India, this state of the dominion of the law was contemplated and provided for, so that free trade, free settlement and free publication,—all the objects, indeed, for which I contended so long ago, and for advocating which I was banished, proscribed and ruined,—are now all confirmed to the people of India by the laws of England. It is a natural consequence of this, that new and important improvements should be taking place in India every day. When I quitted India there was not a single journal existing in all the vast interior of that country, and so difficult was it for any individual not in the service of the Government even to go into the interior on a journey, that I remember distinctly one occasion, on which Mr. Paul Wynch, a very estimable and able member of the civil service, invited me to join him in a journey to Agra and Delhi, and thence onward to Bombay. I accepted the invitation; but it was necessary to obtain special permission for me. We went together to Lord Hastings, the Governor-general, to ask it from him; he assured us that he had no objection personally, as he saw no danger in

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any English gentlemen going into the interior who wished to do so, but he felt quite sure that all the members of the Council would be so terrified at the mention of my going through the country, that he had no hope of winning them over to his opinion, unless I could get sufficient sureties that I would not set the Ganges on fire before my return. I might send my opinions far and wide, as I did daily, through every part of the interior, but, as if there was some magic in the presence of my person, that could not be endured. My friend performed the journey alone, therefore, though there were very slight shades of difference in our opinions, or in our freedom of expressing them. The only difference was, that he was a servant of the East India Company and I was not. This was the state of things when I left India in 1823. What is it now in 1834? The Committee shall see. The latest intelligence from thence shows that the Government is becoming every day more and more stable, and more and more popular. Europeans are increasing as settlers in every province, and newspapers are establishing in every large provincial town, where nothing like it had ever appeared before. I have had several of these recently in my possession. There is one published at Meerut, another at Agra, one at Delhi, another at Moorshedabad; and the very latest Calcutta paper brings a prospectus of an additional one being about to be published at Cawnpore. The prospectus is so striking, that, with the permission of the Committee, I will read it. It is adverted to in the *India Gazette*, dated Calcutta, February 14, 1834, the editor of which introduces it as follows:

“ Prospectus of the *Cawnpore Examiner*.

“ We have hitherto omitted to notice the prospectus of the *Cawnpore Examiner*, a new weekly paper just announced; but we should not be doing justice to ourselves, or to our new contemporary, if we did not congratulate the public on the increase of Mofussil journals. The first number will appear in the early part of March; and the following is the editor's profession of political faith:

“ ‘ We are the friends of liberty, of order and of good government, whether administered by an enlightened despot or a representative assembly of the people; which means, that we are supporters of that system of government which appears the best adapted to the wants and wishes of the governed.

“ ‘ We are the partisans of no clique or faction in the state, either of England or India, but the humble advocates of the *‘maxima felicitas’* principle—the greatest happiness of the greatest number.

“ ‘ We are friendly to the practice of toleration in matters of religion and conscience towards all sects, Christian, Mahomedan and Heathen; and however we may lament the erroneous opinions of the latter, we conceive, that as long as they are not at variance with public decency and order, they should entail no civil or other disabilities upon the professors.

“ ‘ We advocate an amendment of the laws, which will bring to the people cheap and speedy justice; a revision of the revenue system in the Upper Provinces, which will enable the proprietors of the soil to improve the condition of their ryots and estates, and thus increase the prosperity and welfare of the inhabitants, and extend the resources of the country.

“ ‘ We are the supporters of free trade, a free press and colonization; that is to say, the unrestricted resort of denizens of the mother country, without licence, to all parts of India, to be subject only to the laws and customs of the land in which they have voluntarily domiciled themselves.

“ ‘ We are the friends of the civil, medical and military services; and though totally unconnected with all, except by the bonds of amity which unite us to many of their worthy and estimable members, we shall ever be found the advocates of their just rights, the promoters of their efficiency, the expositors of their grievances, and, with the aid of our correspondents, the channel through which authority may learn the nature of their wrongs, and the simplest method of redressing them.

- “ ‘ We purpose occasionally treating of the civil and political transactions of the various native principalities dependant upon or in alliance with the British Government, but more particularly of Oude, which, from its present state of misgovernment and its proximity to the scene of our editorial labour, may justly boast of being raised to that bad eminence, which renders it incumbent upon us as public journalists to expose the errors of its rulers, with the view to the application of healing remedies, which, if adopted, may yet be the means of saving that noble province from ruin.’

“ There can be no doubt that in Oude as well as in British India there has been and is misgovernment, and we are glad that a near observer is about to be employed in exposing its evils and suggesting remedies. It is not to be advanced as an objection to the speculations of the *Cawnpore Examiner* on this subject, that he will evidently approach it with a prepossessed mind. His present opinions we must suppose to be the result of previous investigation, and the facts he adduces in support of them will of course be received with attention. We shall not wonder, however, if the Oude Government should sit rather uneasy under the proposed infliction, and the best course for it to adopt, which we would strongly recommend,

recommend, is, in self-defence, to establish a press and a paper at Lucknow. It is always well to hear both sides of a question, and truth is never more thoroughly elicited than by a collision of opinion. Of course, the statements of the Lucknow Ukhbar would carry no weight with the public unless the editor were made perfectly independent both of the Court and of the Residency, and this is a point which means should be taken to arrange."

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Now these were the principles advocated by me in the *Calcutta Journal*, from its first establishment in 1818 up to my banishment from India in 1823. My misfortune has therefore been, that I have been too early and too forward in my views. This is, I think, the greatest error that can be laid to my charge. I was too early in disapproving of the appointment of Dr. Bryce, for which I was banished; for if I had but waited a few months, I should have had to announce the disapprobation of the India Company and the India Board, instead of expressing my own. I was too early in advocating free trade, free settlement, and a free press; for if I had waited only a few years, I should have had to eulogize them all as granted by a British Parliament, and become the law of the land. Ought I, then, to be made a victim of punishment for this? In general, the world are disposed to compliment and reward those who are earlier than others in the discovery of anything that can be regarded as a public good; and that these objects, so long ago advocated by me, are considered as highly beneficial to the community, I need not cite, I think, any proof beyond the fact, that they have had the sanction of the two Houses of Parliament and the King upon his Throne; and that they have been eulogized on all sides, as public advantages of the greatest importance to the national welfare and prosperity, already realized by the opening of the trade to merchants, by the settling in India of capitalists, and by the increase and success of public journals, which this new state of things at once creates and supports. There are now many hundreds realizing handsome fortunes, by doing the very things which I was punished for praising. I might ask whether the country, which is to profit by these benefits, or the House, which represents the country, or the Committee, which in this place represents the House, will permit me, who was so early to sow the seeds, to be trampled under foot, while others are gathering in the harvest? or suffer me, who risked both life and fortune in the performance of a public duty, to perish in destitution, while others carry away both the reputation and the gain? The voice of justice answers, it is impossible!

I come, then, to the two questions which are soon to engage the attention of the Committee; first, as to whether compensation is to be granted me; and, secondly, as to what should be its amount. If any man doubts whether I have been injured, or questions whether that injury was inflicted on me by the authorities of the East India Company, he may reasonably doubt whether compensation should be awarded me; but no one denies either the one or the other. My punishment is defended on the ground, that the putting down the freedom of the press was necessary for the public good. Be it so. I do not concur in the accuracy of the conclusion, but I am willing to admit the principle; and on that very principle I am prepared to show that compensation is fairly due. The manner in which I think that can be shown I take from a portion of one of the letters, addressed by me, with that view, to the India Directors, dated November 12th, 1825. It is as follows:

"In England, if the continued existence of any noisome or pestilential district is considered inimical to the health, the peace, or the good order of a city, and it is determined to remove it on that account; if, for instance, St. Giles's is to be pulled down to make room for a more commodious and healthy street across its site, the obvious and invariable course is for the Government, or the parties effecting the demolition and improvement, to obtain an estimate of the value of every house intended to be demolished, and the award of a jury directs the amount of compensation to be made to every individual whose private property must be destroyed to promote the public good. If a magazine of gunpowder (to which a newspaper in India has often been compared) had existed for several years near the India House, and the proprietors or their directors were to resolve that the safety of their property was endangered by its continued existence, they might perhaps obtain an order to have the powder removed and the building raised to the ground, but certainly not without compensating, to the uttermost farthing, the proprietors of such works for the property destroyed. This principle is admitted and carried into practice even in India itself, and indeed in every other country where law is known, as there could be no security of property without it. The Lottery Committee for the improvement of Calcutta pull down houses and remove obstructions in order to make new streets and improve the general health and appearance of the city; but they never think of so doing without first compensating the parties whose property they destroy. The Indian Government take up ships bound on profitable voyages to England, and change their destination by sending them to Rangoon, but if they were to think it necessary to set fire to

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any number of these before the harbour's mouth, or to sink them at the entrance to the river, for the benefit of the public service, they would never attempt to do this without compensating the owners for this destruction of their private property to promote the public welfare. In England, not a rood of land can be traversed by a canal, not a foot of ground can be added to a turnpike-road, not an inch of wall can be taken from the corner of a private house to increase the width of a street, without compensation to the parties from whom this sacrifice of private wealth is demanded for the unequivocal promotion of the public good. And even in France, where despotism is familiar to all classes, and at a time when the strictest censorship on the press prevailed, the only mode in which the ministers of that country, under Louis 18th, attempted to remove such newspapers as were obnoxious to them, by the freedom of their remarks, was, either by obtaining a suspension of the licence for a limited period, through the decision of a court of justice after a trial at law, or by purchasing the shares of the proprietors at their current value, and then disposing of the whole as their own lawful property.

"On every principle, therefore, whether of law, of justice, of precedent, or the concurrent authority of experience and common sense, the proprietors of the late Calcutta Journal are fairly entitled to full indemnification for the sacrifice which the Indian Government thought it their duty to make of the private property of individuals for the promotion of what they deemed the public good, and that indemnification I freely ask, with a confident assurance that, as British merchants, as men of honour, as well as the rulers of a vast empire, you will readily order to be paid."

These principles appear to me as sound now as they were then: and there has not occurred anything in the history of my case to make the slightest alteration in the applicability of these principles to its remedy. But carrying forward my views, as I did at the time, to the period when the Company's own monopoly should be destroyed, and their claims to compensation be put forth, I stated, now nine years ago, what has since been borne out by the fact, as the accuracy of all my previous views were. The passage is indeed almost prophetic, for it has been fulfilled to the very letter. It is as follows:

"When the period shall arrive for considering the transfer of the Company's interests to the Crown of Great Britain, we shall no doubt hear, on the side of His Majesty's Ministers, abundant arguments to prove that, whenever private interests impede the public good, the former must give way; while, on the side of your Honourable Court, there will not be wanting able advocates to answer, that although this, as an axiom of Government, cannot be denied, yet that wherever private property is necessarily sacrificed for the benefit of the commonwealth, compensation is fairly due. If the India House in London should be transformed into an office for a Ministerial Board; if the palaces at Calcutta and Barrackpore should be occupied by some royal personage, representing the Majesty of England in the East; if the forts of Bengal, Madras and Bombay, should be garrisoned by King's troops alone, and all the large Indiamen now employed in the trade to China be converted into ships of war; your Honourable Court would no doubt tender to His Majesty's Government an estimate of the actual cost of all these valuable edifices, forts and vessels; you would hardly be content with what they might produce at an auction, where there were no buyers, or only those who knew not whether the things to be bought could ever be made use of or not, and who would offer little or nothing for such unavailable materials; which was exactly the case when the wreck of the Calcutta Journal was brought to the hammer. There is not an East India proprietor who, in the event of his being called on to relinquish all his property in the Company's stock, and yield up his wealth, his power, his consideration to the ministers of the Crown, would not insist on the fullest compensation for the sacrifice of his property, at least, however necessary the destruction of the charter might be deemed by the nation at large. Even when paid the full amount of his shares in the joint stock capital of his trading associates, he would perhaps feel himself sufficiently aggrieved at being thus cut off from all the future enjoyment of that power, patronage, profit and consideration which his former situation yielded him, and which the total change in the nature of his property, and the loss of his station as a director or proprietor of East India stock, would leave him no hope of again recovering. He would yield up with no ordinary reluctance all the prospective advantage of the future, but he would demand the most ample indemnity and perfect security for the repayment of all property taken from him, as the amount of his present share in the stock of the Company, or the result of accumulation in its funds of profit on transactions of the past. My situation is precisely this: I ask no more than every East India proprietor or director would ask in a similar situation; and I only require therefore of your Honourable Court, as a body, to do unto me that which every individual member of your direction would in such case ask of others to do unto him; and when I seek but this, I feel an unconquerable assurance that I shall not be refused."

There are, however, cases on the part of individuals being compensated, as well as public bodies; I will mention only a few: Mr. Wilkinson, who was deprived of the profits of a contract in the supply of salt and opium in India, had 30,000 l. awarded him with arrears of interest. Mr. Arnot, it has been seen, was compensated.

sated by 1,500 *l.*, which greatly exceeded the value of his property destroyed; and others of less notoriety might be named. These circumstances, too, I brought to the notice of the India Directors in a letter of November 12, 1825, in which I expressed myself as follows:

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"When I look around me, and see the fate of others who have been since placed in circumstances similar to my own, there appears to me something incomprehensible in my unhappy destiny. I see a printer in New South Wales, whose office was closed by some government functionary, reinstated in all his rights of property by an English judge. I observe an editor in the West Indies, whose journal was suppressed, allowed to resume it again within a short period on his own account. I remark, that two men of colour banished from Jamaica, in the supposition of their being foreigners, are to be restored to their property and to their homes. I find Mr. Greig, the editor of the Cape Gazette, suppressed by Lord Charles Somerset, allowed by the King's Government to return and re-establish his press, with a full restitution of all his property, and ample security against any similar violation of it in future. I learn, with even more pleasure still, that Mr. Arnot, although he never had any licence to reside in your territories, or made any large accumulation of property from years of labour in India, from which he was removed avowedly on the same grounds as myself, has nevertheless his actual losses repaired by the justice or generosity of your Honourable Court.

"What inexpressible crime have I then committed, which should shut me out from all hope of redress, while others have their claims attended to, and injuries of not one-tenth the severity or extent compensated within a few months, though mine have now lain for years unrepaired? If it be, that instead of following the example of more fortunate appellants, and throwing myself on the mercy of those in whose hands the power of redress is placed, I have been induced to lay my claim before you as one of right, I can truly say that I adopted the latter course, in the conscientious belief that your Honourable Board would view the question of property, divested of all its political associations, in the same light as I had done. But in conceiving that my losses gave me a title to reparation as a matter of right, it appears that my views were erroneous; I therefore yield unresistingly to this decision, and abandon all claim of right accordingly. Notwithstanding this result, however, I still venture to hope that the door of your Court is not irrevocably closed against me; and in this hope I now place my prayer as a petitioner upon its threshold, and for my children's sake, I implore that it may yet be heard.

"Your Chief Justice, Sir Francis Macnaghten, avowed his conviction in the most solemn manner from the bench, that the property vested in the Calcutta Journal ought to be respected: your Governor-general, Lord Amherst, as distinctly admitted the same principle, when it was pressed on his consideration. The late Mr. Adam, also, in the pamphlet published by him soon after my departure from Bengal, disclaimed explicitly any intention of undue severity towards me personally, as he considered my removal from the country a sufficient punishment. In addition to all which, your Honourable Court itself, through its late Chairman, publicly expressed a regret that I had not remained in India to accumulate a fortune by those talents which he was pleased to say I possessed, instead of appearing, as I then did, in the character of an individual appealing for redress to the Court over which he presided.

"What need I say more? That fortune was acquired, at least to as great an extent as my most sanguine wishes reached, and this too under the sanction of your Honourable Court, whose licence to remain in India was sent out to me from England, and recognised by the authorities there as sufficient to warrant my continuing to reside in Bengal, under the sanction of the Governor-general himself, and in strict conformity with every existing law. At the period of my leaving India, therefore, I was as honourably and as lawfully possessed of 8,000 *l.* a year in income, or 40,000 *l.* in value of tangible and saleable property, as any member of your extensive body who draws that amount of dividend, or holds that amount of capital in India stock. By the measures of your Government, enacted and carried into operation since that period, I have been as effectually and entirely deprived of that income and that property, as if it had set fire to the whole on the spot, leaving me at last incumbered with heavy debts, without my being permitted even to gather up the fragments of the wreck, which are now irrevocably scattered to the winds."

The case of the West India slaveholders, which has so recently occurred, is also one strictly in point. It was determined by the almost unanimous voice of the British nation, that slavery was a public evil, and that its total abolition would be a public good. It was accordingly decreed that it should be abolished; but so careful was the Legislature of guarding the interests of property in removing this great and crying evil, that they voted 20 millions sterling, a sum more than equal to the purchase of every slave then existing in those colonies, out of which fund every slave set free from his master is to be paid for at his full market price. I ask only the same measure of justice as this; and if in the legal abolition of an universally admitted evil, which never ought to have had any existence, namely, the slavery of one fellow-being to another, the rights of property are held so sacred, I cannot but believe that in the illegal suppression of what the Government of the country, by

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their subsequent conduct, admit to be a public good, namely, the establishment of an independent press, the same regard will be shown to the rights of property, and the same full measure of just compensation be awarded to me.

But the strongest case of all, perhaps, is that of the East India Company itself. Its charter of commercial monopoly had no legal guarantee for its existence beyond the present year 1834, and must in the course of things have expired by law, and left the Company without any legal right to compensation, since the stipulated lease was run out; and yet, the Legislature, careful to an extreme degree of the rights of property involved, have guaranteed to every individual proprietor of India stock the full amount of the dividend of interest which they had always received from the stock, namely, 10 $\frac{1}{2}$ per cent., while from the increased security and stability given to the funds, by the King's Government guaranteeing the payment of the interest, the principal of their stock has been greatly advanced in value, and every member of the East India Company, whether director or proprietor, has therefore been actually enriched to the extent of 40 or 50 per cent. on the amount of their shares held in the Company's stock, which received that augmentation of value by the liberal consideration of the Legislature to protect the rights of property when the commercial monopoly was refused to be renewed. It is surely then not too much to ask, that the same full measure of justice which has been dealt out to them should be also awarded to me; and I rely with confidence in the equitable decision of the Committee to secure me this result.

As to the specific amount of that compensation which I trust they will award, the Committee have before them, in the printed Evidence taken in 1826, and now in the Members' hands, ample proof that the Journal destroyed was worth 40,000 *l.* sterling, that it yielded from 6,000 *l.* to 8,000 *l.* a year, and that besides the utter wreck of all this valuable property, the proceedings of the Indian Government in connexion with its destruction, involved me in debts to the extent of nearly 10,000 *l.* more. These are facts which rest on evidence of the clearest kind, and these will no doubt form the data of their calculations, and the ground on which they will fix the amount of the award. I may add, however, that no amount of remuneration could undo all the 13 years' struggles and privations which I have endured in England, vainly seeking, yet always persevering in the hope of obtaining redress. Strict justice would place me, if possible, in that situation in which I should probably have been if these wrongs had never been inflicted, and that would have found me now a man of some opulence, of, I trust, equally unblemished character, and possibly of some influence and station in society. But if strict and absolute justice cannot be done, then undoubtedly the nearest practical approach to this will be best; and if compensation be due at all, it is difficult to see how it can be less than to the amount of the loss actually sustained, as far as that can be proved, which would enable me to free myself from those pecuniary embarrassments by which I have been entangled through these proceedings alone, and leave me in possession of that honourable competency, which no man can suppose it possible that I should not now be enjoying, if the wrongs described had not been inflicted.

In conclusion, let me add, that there are millions in England and India to whom all these facts are familiar, from constant and extensive repetition, who are now looking to the decision of this Committee with anxious hope: and I believe that no act would be more universally approved, than their awarding full and complete, though late and tardy, justice to me, whose accumulated wrongs they only can redress.

To prove how deeply and generally this interest was felt, after the conclusion of the Evidence produced before the Committee of 1826, and the unexpected breaking up of its labours by the sudden dissolution of Parliament, which prevented its coming to a Report, I beg to refer the Committee to the proceedings which took place at a public meeting held a few days afterwards, in June 1826, at which Lord John Russell, the Chairman of that Committee, himself presided; I will content myself with adverting to those proceedings thus briefly, to save the time of the Committee for the present, but will, with their permission, place here upon record, as one most material part of my case, some short extracts only of the statements made by different gentlemen on that occasion, and the appeal to the European and native community of India on my behalf, which emanated from that meeting, with which documents I shall now close my case.

" LORD JOHN RUSSELL said—Gentlemen, I believe that I have been requested to take the chair on this occasion, because it was my fortune to present to the House of Commons
a petition

a petition from Mr. Buckingham praying for redress; and because a Committee having been appointed on my motion to inquire into that gentleman's case, I was nominated Chairman of it, and have consequently heard all the evidence which has been produced, and which, though not brought to a conclusion, still extended to considerable length whilst the Committee sat. I am of course in possession of all the facts which were laid before the Committee, and if it can be of any value to Mr. Buckingham, I am prepared to state, that having attentively listened to all that transpired in that Committee, my opinion of the hardship suffered by Mr. Buckingham is, instead of being weakened, materially strengthened by the experience and knowledge which I have thus acquired. What we have met here to consider is, the great hardships and grievous losses sustained by Mr. Buckingham in consequence of conduct which, so far from attaching any blame to him, is, in my opinion highly honourable and praiseworthy, and perfectly conformable to those rules of conduct, and those examples of freedom, which we are accustomed to admire and to hold up for imitation by others of our own countrymen. This is a case which calls for the sympathy of the people of England; they should feel that one of their countrymen, residing in a distant part of the globe, but at the same time retaining the feelings of an Englishman, and ruined for acts, on account of which no blame can be imputed to him, is entitled to expect that those who happen to be placed in a more fortunate situation than himself should at least come forward to support him under his misfortunes. For my own part, having lately had an opportunity of reading all the articles published in Mr. Buckingham's Journal, which were particularly found fault with by the Indian Government, I can undertake to say that there is not one of those articles, although they must all have been written and inserted in the hurry inseparable from the publication of a daily paper, which not only does not reflect the slightest stain on the character of the writer, but are such as would do honour to any man possessing an honest zeal for the welfare of the community in which he lived, and such as there is every reason to believe were written and published with a perfect conviction, on the part of the author and publisher, that he was serving the cause of truth, and was therefore entitled to the thanks of his fellow-subjects, and the approbation of a wise and benevolent Government."

"The Honourable Douglas Kinnaird said—I believe that Mr. Buckingham's case is now sufficiently known to the British public to command their sympathy for the misfortunes which have been brought upon himself and his family. Mr. Buckingham is entitled to sympathy as a gentleman of unimpeached character, who is suffering under a great calamity without being in any degree the author of his own misfortunes. But there are peculiar circumstances attending his case which would render an extension of public sympathy productive of more good than I believe ever could have attended any similar measure before. Mr. Buckingham is at this moment the victim of the acts of power which emanate from this country, but is placed at such a distance from his oppressors, that the terrible and cruel effects of its exercise cannot be controlled by the mere expression of public opinion here, and it is admitted by the Government at home that they would rather sacrifice individuals than cast any censure upon the conduct of its officers abroad. Mr. Buckingham has, at a very great expense, at the sacrifice of much money as well as time and labour, gone before the constituted authorities in this country, the Privy Council, the Court of Directors, and the Board of Control, appealing to each of them against the conduct of the Indian Government. But the result of all his labours shows that it will in future be absurd for any oppressed individual to appeal to any of those authorities for redress, for they reply, that the constitution of the Indian Government is such that it is impossible to censure any one of its acts. On that ground it is, that Mr. Buckingham has been refused redress. There is not an individual Director who would not, with all his heart, make Mr. Buckingham some compensation for his unmerited sufferings, but for this reason. There is not an individual in the Direction with whom I ever conversed on the subject, who did not say that Mr. Buckingham's was one of the hardest cases he had ever heard of. They all acknowledge that they have not a word to say against him as a man and a gentleman; they would willingly meet him on friendly terms in a private room; but, say they, if we afford him redress, if we save him from destruction, we pass censure upon the despotic power exercised 10,000 miles off, and that we dare not do.

"Lord Hastings, whilst he remained in India, was frequently applied to by the members of his Council to send Mr. Buckingham away. On those occasions public and official letters were addressed to Mr. Buckingham, but Lord Hastings was always satisfied by the judicious reasoning with which that gentleman supported and maintained the positions he had advanced. It has been said that Lord Hastings, if he had remained in India, would have found it necessary to banish Mr. Buckingham, as had been done by his successor. But I have it under Lord Hastings's own hand, that Mr. Buckingham never wrote anything, and he (Lord Hastings) believed he never would have written anything, which could induce him to resort to so severe a measure (hear, hear). I state this under his Lordship's own hand, and with his authority to make it public. For my part, having had frequent and almost uninterrupted personal intercourse with Mr. Buckingham, from the moment of his arrival in this country up to the present period, I can declare that I never met with a gentleman who, under the difficulties and distresses with which he has had to contend, behaved with more constancy and uprightness, or showed a greater disposition to behave in a fair and conciliatory manner (hear, hear). It is not a little to his credit, that after standing before the public eye for so long a period, with the most searching scrutiny applied to every incident of his public and private life, no man can lay his hand upon his heart and point out any one of his acts as dishonourable (loud applause). On every ground, there-

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fore, he is entitled to the sympathy and support of his countrymen in England as well as in India."

"Mr. *Hume* said—It was not my intention to have addressed the meeting at the present moment, but to have deferred what I had to say to a later period; as, however, some points of importance in this case have not in my opinion been dwelt on so strongly as they deserve to be, I will now attempt to supply the deficiency. On the present occasion, however much I may be disposed, as I hope every Briton is, to support the propriety of freedom of discussion in this country and in India (on which subject I agree with all that has fallen from my honourable friend, Mr. *Kinnaird*), I think it becomes us more especially to look at the facts of Mr. *Buckingham's* case, which occurred subsequent to his removal from India, and to consider him as an Englishman who, after his deportation, had property which it can be proved was worth 40,000*l.*, totally destroyed by the acts of Government, and by no fault of his own. The value of Mr. *Buckingham's* property was estimated at 40,000*l.* a few months only preceding Mr. *Buckingham's* removal; and that this valuation was not an unfair one is proved by the best of all possible tests, namely, by his having sold one-fourth share of the whole for 10,000*l.* At the time this valuation was made, neither Mr. *Buckingham* nor any other person could have had any idea of what has since happened, and therefore there was no apparent reason for affixing a fictitious valuation upon the property in question. At that period the income returned to Mr. *Buckingham* by the *Calcutta Journal* was 8,000*l.* a year. It had a wide circulation, and received the approbation of the great majority of persons in the East India Company's service, a strong presumptive proof that its tendency was not to overturn the Government, for on the stability of that they depended for support and promotion. Mr. *Buckingham's* case ought not to be considered as an isolated one; every one who feels for the situation of his countrymen in the colonies, where despotic power prevails, ought to make common cause with him (hear, hear). Every man should consider that in supporting Mr. *Buckingham* he is supporting the rights of Englishmen in the colonies. This may be called a colonial question; it is one of great importance, and I hope that when it becomes properly understood, Mr. *Buckingham* will receive the support to which his talents and misfortunes alike entitle him. I have taken a very warm interest in the case from the first moment it was made known to me. The statements which were originally made by Mr. *Buckingham* have been most fully borne out by the evidence given before the Committee of the House. I do not speak of the evidence of Mr. *Buckingham* or his friends, but of the documentary proof afforded by the East India Company themselves (cheers). Under these circumstances, I consider Mr. *Buckingham's* case to be not only one of great individual hardship, but also of infinite general importance, as it may be the case of any Englishman placed in the colonies where such power as that to which Mr. *Buckingham* has been the victim prevails. By supporting Mr. *Buckingham*, the *Indiap* and the English public will at once manifest their admiration of his conduct, and their detestation of the power by which he has been oppressed."

"Mr. *M. D. Hill* said—When I entered the room I had no intention of offering any observations to the meeting, because I was not aware of the exact nature of the proposition to be submitted, but believing that I can add something to what has already been stated to strengthen Mr. *Buckingham's* claim to the sympathy of the British public. I should consider myself inexcusable did I not advance it. (cheers.) If Mr. *Buckingham* were a person of doubtful or even of decidedly bad private character, yet when I look to what his public conduct has been, I think the public is bound to support him; for when a man labours for the good of the public, he labours for the welfare of every individual composing that public. It has fallen to my lot, however, to be appointed one of the counsel to defend Mr. *Buckingham* against a charge which originated in the selfishness and malice of one individual (Mr. *Bankes*), but which was propagated all over India, and sent home before Mr. *Buckingham* returned to this country, for the purpose of ruining his private character, and through that of bearing him down in his public capacity; under such circumstances Mr. *Buckingham's* private character becomes a part of the case which we have to consider. It therefore gives me great satisfaction to have it in my power to state (which I do with the same solemnity, and the same regard to responsibility as if I were on my oath), that after a most severe, and I may say suspicious examination of every document connected with the charge, I regard it in its origin and progress as one of the most foul conspiracies against the private character of a man against whom not only no charge, but not even the shadow of a charge, could with any justice be brought, that has ever come to my knowledge."

"Sir *Charles Forbes* said—In rising to propose the second resolution, I beg, in the first place, to return my thanks to Mr. *Kinnaird* for the very proper manner in which he has explained the circumstances under which the subscription already raised was entered into. The money which I have subscribed for myself and for others, who will, I have no doubt, readily approve of what I have done, was paid without any reference to the present meeting, or any idea of having the transaction made public. On this occasion, however, it is only necessary for me to refer to what I have already done, to show what opinion I entertain of Mr. *Buckingham's* conduct and character. (applause.) I certainly should not have set down my name as a subscriber in favour of any man, of whose conduct and character I did not entertain the highest opinion. Mr. *Buckingham*, when he came to this country, brought with him letters of recommendation from Mr. *John Palmer*, a gentleman well known to all connected with India, than whom a more honourable or humane man does not exist. I have found that Mr. *Buckingham* has, ever since his arrival, acted up to the character which Mr. *Palmer* gave him. The more I have seen of Mr. *Buckingham*, the more highly I think

I think

I think of his character and talents. A more humane man than he is, does not to my knowledge exist, and there are persons present who can testify that he has afforded relief to others at a time when he has been very much in want himself."

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"Mr. J. B. Lequin (late Advocate-general in India) said—I can assure the meeting that it is not my intention to trespass upon its patience at any length at this late hour of the day; but there are one or two remarks which I feel it necessary to press upon its attention. I recollect that it was a saying of a man whom you all must revere, I mean John Locke, the great champion of English liberty, that 'where law ends, tyranny begins.' In the case of Mr. Buckingham, this adage has received a striking illustration; for whoever investigates Mr. Buckingham's case from the commencement to the close will see in it nothing like law the measure of justice, nothing like legal prosecution, nothing like any intelligible delinquency. He will see in it, however, that which has always been considered an attribute of the judges of hell, execution without trial (hear, hear, hear). I therefore say, that the adage of Locke has received on this occasion an illustration most unfortunately apposite. But in addressing an assembly of Englishmen, met for the benevolent object which has this day brought you together in this room, I am not depressed by the recollection of that circumstance; for I also recollect, that where tyranny begins in England, there the story is by no means at an end (applause). I hope that this observation will be completely verified in the present case; for never yet has there been an instance, or if there has I am ignorant of it, in which an individual who performed his duty fairly to the public, by standing manfully in the breach when the rights of the public were invaded, who risked his all, and that all not a little, in upholding the principles of freedom, who spurned every consideration of danger, in a firm reliance on his own consciousness of acting rightly; never, I repeat, has there been an instance in which the English nation has not started forward to give a substantial indemnity, as far as money could do so, to such an individual for the injuries he may have sustained, and to give him an indemnity still more precious to his heart, namely, its unbought suffrage and testimony as to the value of his conduct. (Applause). I will not weary you with going into a dissertation on the private and public merits of Mr. Buckingham; on that point, I believe, we are all agreed: the only difference between us, if any difference there be, is as to the point whether any public man could have braved better than he has braved the particular difficulties of his situation. The question before you, which in point of fact I believe to be no question at all, is this: Do you not yearn with sympathy towards a man whose private conduct has been admitted on all hands (for what Mr. Buckingham has done has not been done in a corner) to be entirely free from reproach, and whose public conduct, though open and manly in the extreme, has been productive to him of nothing but suffering and disappointment (Applause). Mr. Buckingham has done well, and has suffered well for your sake, be it yours to provide that he is also indemnified well for the losses he has sustained. If ever man deserved the support of his fellow countrymen, it is Mr. Buckingham."

The Appeal to the European and native community, which emanated from this meeting, bears the signatures of those, who from their acquaintance with all the circumstances of the case, were best able to judge of its merits, and who, from personal intercourse with me, had had the best means of appreciating my general character and conduct. I subjoin it, as important evidence, that even those entertaining opinions most opposed to my own on public grounds, were yet ready to bear testimony to the general purity of my character, and of my just claims to the support of those to whom this Appeal was made. It is as follows:

"To the European and Native Community in India.

"The case of Mr. Buckingham is too well known to every one in India to render any details necessary. His difficulties and his distresses are undoubted and imminent. Do they merit attention and relief? and if so, by what means can such be most readily and effectually given?

"The history of his life seems to establish for him a powerful claim to respect and sympathy from all who esteem persevering integrity. But his exertions, when placed by circumstances in a public character, his losses, his sufferings, and his zeal in what he considered a public duty, give him a more especial claim on all his fellow subjects in India, whether Native, Anglo-Indian or European, in whose cause, as he conceived it to be, he has made shipwreck of his fortune, and to whom he now turns an eye of hope for sympathy and relief in the hour of his distress.

"But there are circumstances in Mr. Buckingham's recent conduct which none can well know or duly appreciate, except such as have been resident in England of late years. The testimony of such persons may be of use to him at this crisis, and is the chief object of this Address, that testimony referring to matters of fact, and leaving out of consideration opinions on political questions, involved in his protracted struggles.

"The fidelity with which Mr. Buckingham has adhered to what he honestly believed to be the good cause of Indian improvement ever since his return to England, the perseverance manifested by him under discouragements that would have driven many men to despair, the expenditure of the remains of his Indian savings in trying every legal channel of redress for public evils and private wrongs, and the purity of his private character amidst his difficulties and embarrassments, are well known and rightly estimated by all unprejudiced men.

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"The Undersigned, having had opportunities of witnessing the exercise of those virtues in the conduct of Mr. Buckingham, most readily bear testimony to them, as well as to his present distresses, and on these grounds they make this Appeal to the community of India, of whatever rank, class or condition, imploring them to contribute in the mode and measure best suited to their position, and most agreeable to their feelings, to the relief of a man on whom misfortune has fallen with so heavy a hand, and whose intentions are believed to have been entirely pure and honest. The Subscribers would fain hope by this means to rescue him from impending destruction, and restore him to that place in society to which his habits and acquirements entitle him."

The original of the foregoing Appeal bears the signatures of the following noblemen and gentlemen:

Sir Charles Forbes, bart., M. P.
John Smith, esq., M. P.
James Barnett, esq., banker.
John George Lambton, esq., M. P.
William Babington, esq., M. D.
Mr. Serjeant Wilde.
The Hon. Douglas Kinnaird.
Edward Benjamin Lewin, esq.
Thomas Denman, esq. M. P.
The Hon. Leicester Stanhope.
Sir Francis Burdett, bart., M. P.
General Sir John Doyle, bart., G. C. B.
Sir James Macintosh, M. P.
Lord Nugent, M. P.
William Vizard, esq., solicitor.
Colonel Torrens, R. M., F. R. S.
Rowland Hill, esq., of Bruce Castle.
The Hon. C. H. Hutchinson, M. P.
Walter Coulson, esq., Gray's-inn.
Michael Angelo Taylor, esq., M. P.
John Borthwick Gilchrist, esq., L. L. D.
James Inverarity, esq., M. D.
General Sir R. C. Fergusson, K. C. B., M. P.
The Rev. W. J. Fox, Clapton.
Matthew Wood, esq., M. P.
James Macdonald, esq.
John Forbes, esq., M. P.
The Hon. W. Ramsay Maule, M. P.
John Stewart, esq., M. P.
Lord John Russell, M. P.
James Scarlett, esq., M. P.

J. Ashton Yates, esq.
Joseph Hume, esq., M. P.
The Rev. Robert Aspland.
John Cam Hobhouse, esq., M. P.
John Melville, esq.
Henry Brougham, esq., M. P.
Richard Gurney, esq.
Wm. Philip Honeywood, esq., M. P.
Michael Bruce, esq.
John Williams, esq., M. P.
Jeremy Bentham, esq.
Edward Ellice, esq., M. P.
Captain Maxfield, M. P.
The Hon. James Abercrombie, M. P.
James Grattan, esq., M. P.
Matthew Davenport Hill, esq.
James Leman, esq., solicitor.
Sir Robert Wilson, M. P.
Nicholas Hankey Smith, esq.
James Paterson, esq., M. D.
John Towill Rutt, esq.
John Bowring, esq.
James Morrison, esq., M. P.
Henry Meredith Parker, esq.

who adds after his signature the following sentence: "Differing entirely from Mr. Buckingham in politics, but convinced that he is a sufferer for conscience sake, and by an intercourse of ten years in India and in England, that he is an upright, honourable and excellent man."

Thomas Love Peacock, Esq., made the following Statement:

T. Love Peacock,
Esq.

WITH the permission of the Committee, I would make one or two remarks upon what Mr. Buckingham has said, principally upon points relating to matters of fact, and in which he appears to have misunderstood me. The first thing I have noted, is Mr. Buckingham's attempt to prove that he was not bound to obey the press rules. In my former examinations I think I have sufficiently shown that Mr. Buckingham was bound to obey the press rules. In speaking of the deportation of Mr. Duane and Mr. M'Lean, he said they had been punished for resistance to the censorship. Now the censorship was imposed after their deportation. Mr. Buckingham quoted Sir John Malcolm in 1809, as advocating the freedom of the press; but whatever may have been the opinions of Sir John Malcolm in 1809, they are sufficiently answered by his more deliberate opinions in 1822. Mr. Buckingham says that no military articles appeared in the Calcutta Journal after the affair of Colonel Robison; there were some, however; one was the letter of "A Young Officer," after his departure. He has also said, that Sir Edward Hyde East had stated that the Government at home had established the liberty of the press; I am not aware of the ground upon which Sir Edward Hyde East said so. I do not doubt he said so, but certainly the Government at home did nothing of the kind. Mr. Buckingham said that the press rules were not binding upon the natives, but the object of the licensing regulations was to make the press rules binding upon the natives. Mr. Buckingham stated, that I had said Sir John Malcolm did not agree with Sir Thomas Munro. I said, he did agree with him, and expressed the same opinions even more strongly. Mr. Buckingham said that the Marquis of Hastings, Sir Thomas Munro, and Sir John Malcolm, were of three different opinions; but with respect to the point which I insisted upon, namely, that our empire in India is held by the sword, they were all three of one opinion. The instances of the deportation

of Hill and others I quoted, as I said at the time, not that their cases were analogous to Mr. Buckingham's, but to show the unquestioned power of the Governor-general. Mr. Buckingham dwelt much on the lightness of the specific offence for which he was sent home; Mr. Adam's reasons for sending home Mr. Buckingham were, not that this was the worst offence, but that it was the next after the intimation which he had received from Lord Hastings's government, that the next offence should be the last; that his licence should be immediately cancelled, and he should be forthwith ordered to leave India. That was the last act of the Marquis of Hastings's government with respect to Mr. Buckingham, and the first act of Mr. Adam's government in the same matter was to put that intimation into execution. The case of the Madras Gazette, and the letter instigating the native soldiers to assassinate their European officers, I quoted to show the state of the press at Madras, and however smoothly it may go on in Bengal, where the Governor-general is always right, it does not go on so well at Madras, and the Government are very much embarrassed by it. Sir Thomas Munro said the freedom of the press would have that result, it would lead to the publication of letters recommending the assassination of European officers. Mr. Buckingham says that the new charter gives the liberty of the press: I do not know what part of the new charter he alludes to; but I know that the new charter gives the Governor-general in Council the power to make any new laws; subject indeed to the power of the Home Authorities to disallow them and to order them to be repealed, but having all the force of Acts of Parliament until the orders for disallowing and repealing them shall have been received. It is unquestionable, therefore, that, if the Supreme Government find the press a nuisance, they may make a law which will effectually put it down. Mr. Buckingham has also alluded to Lord Hastings's expressions about our empire resting on opinion, and to his explanation that he meant by opinion, the opinion of the European circle the members of Government moved in. I said, that if Lord Hastings had been asked in so many words, "Do you mean that our Indian empire rests upon the opinion of the European circle at the presidencies?" I thought he must have answered in the negative.

With respect to what Mr. Buckingham has said upon the subject of his losses, and of the compensations granted to the proprietors of East India stock, and to the officers of the East India Company, I would observe, that the cases of persons who have suffered by acting in opposition to the laws stand on a totally different footing from the cases of those who have suffered losses in consequence of changes in the laws which they have uniformly obeyed.

Jovis, 31^a die Julii, 1834.

EDWARD BAINES, ESQUIRE, IN THE CHAIR.

Thomas Love Peacock, Esq. called in; and further Examined.

634. DO you wish to make any explanation of your former evidence?—I wish to lay on the table of the Committee a despatch from the Court of Directors, dated the 30th of July 1823, approving of the removal of Mr. Buckingham, which was omitted in its proper place.

[*The same was delivered in, Vide Appendix, No. X.*]

I wish also to deliver in two despatches, dated the 8th and 22d of September 1830, for the purpose of correcting an erroneous impression which my former evidence may have left respecting the present Government of Bengal. It may be supposed that this Government has not interfered in any way with the liberty of the press. These despatches will show that it has interfered in at least two instances. The first of these despatches relates to the half-batta question. On the receipt of the orders from the Court of Directors, a circular letter was addressed by the present Government to all the editors of newspapers in Calcutta, prohibiting them from discussing that question. On this occasion, the Governor-General, (Lord William Bentinck,) and Mr. Bayley, a majority of the council, determined on sending this circular, in opposition to the opinion of Sir Charles Metcalfe, who advocated the liberty of the press, partly on the principle, that if the Government interfered in any instance, it made itself responsible for all it did not interfere with. Mr. Bayley considered that the freedom of the press, as it existed in England, was altogether inapplicable to India; the Governor-General, Lord William Bentinck, in the course of a minute which he

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recorded on the subject, stated that, "As well with the liberty of the press as of the subject, it was indispensable for the safety of the empire, that the Governor-General in Council should have the power of suspending the one, and of transmitting the other, whenever the safety of the State should call for the exercise of such authority."

[The despatches were delivered in and read, *Vide Appendix X.*]

635. Did the editors of the newspapers obey the circular order?—They did, to the best of my knowledge and belief.

636. Are there any other papers you wish to put in?—On the general question, there are none.

637. Are there any on any part of the question referred to the Committee?—Yes, on the subject of the amount of compensation, if any should be recommended.

638. Can you now produce all the evidence you wish to produce on that point?—It will depend upon whether the documents I shall produce are admitted to be genuine or not. These are not official documents, and their correctness may be disputed. If Mr. Buckingham admits them, I shall give the Committee no further trouble; if he disputes them, I must endeavour to find other testimony.

639. Will you state what you have to say on the subject of the amount of compensation, if the Committee should think fit to recommend any?—In the first place, Mr. Buckingham has at different times made different statements of the amount of his losses by the suppression of the Calcutta Journal. Of that amount, if I recollect rightly, he has given different statements, at different periods, to the Court of Directors, to the Committee, and to the Bengal public. I beg to read an extract from a printed general statement, for the information of shareholders in the Calcutta Journal, by Mr. James S. Buckingham, dated 1st July 1822, (p. 4.)

"The actual value of the present stock now on hand in types, presses, papers, books, buildings and materials, for carrying on the business on its present scale, is worth, at a moderate estimate, 1,00,000 rupees; orders for a large augmentation of these articles, besides a complete renewal of stock and suitable requisites for undertaking general printing (which promises to be a source of very great profit) have been sent to Mr. Richardson, in England, during the present year, to the amount, by the time they reach here, of about the same sum. These will all leave London before the end of this year, and some portions are now on their way out, all of which, being to be paid for out of my funds by a credit on Fletcher, Alexander & Co., to cover insurance and every risk, must be added to the dead stock of the concern, which will make its whole value amount to 2,00,000 rupees, as the security on which the shares taken are to be held.

General Estimate of Stock taken July 1st, 1822. (p. 7.)

Stock of the printing-office in types, presses, paper, &c. Total present stock 98,720 rupees.

Ordered from England between January and May last, and to leave London within the present year 1822	-	-	-	-	-	95,800
Supplies of China paper ordered from Canton for the same period (up to January 1823); say six months, at 500	-	-	-	-	-	3,000
Total ordered stock	-	-	-	-	-	98,800"

The original stock in hand I take at 1,00,000 rupees, and that ordered from England I take at the same, making the whole 2,00,000 rupees, or 20,000 l. I wish to know whether Mr. Buckingham admits that document to be correct.

Mr. *Buckingham*.—I have no doubt of the accuracy of the result; whether the particular details are correct I cannot say, but I know that the general result was about 20,000 l. That paper was printed about 12 months before I left India. That was the footing on which I attempted the sale of shares, and on which I did sell some.

640. How many did you sell?—Seventy; that appears in the evidence before the Committee of 1826.

Mr. *Peacock*.—The next document I would read is an extract from the petition addressed to the Honourable East India Company, by Mr. J. S. Buckingham, dated November 15, 1825.

"The materials of the office, perfect and complete as they were when left by me on my departure from India, were of necessity brought to the hammer as the only means of disposing of them; when, there being no purchasers to compete with each other, for materials which the Government would allow only one favoured

favoured man to use to advantage, the splendid collection of printing apparatus, which it had cost me upwards of 20,000 l. sterling money to get together, was knocked down in lots for the mere value of the wood and metal, of which the presses and types were composed, bringing altogether the sum of 18,287 rupees, a little more than 1 s. 6 d. in the pound of their prime cost." There is a note by Mr. Arnot: he is dead: but I know that he stated this to be his opinion.

[The witness was directed to withdraw.]

After a short time he was again called in, and informed that the Committee had determined that Mr. Arnot's statement could not be received, but that they wished to know whether he had any evidence to prove the facts contained in the note of Mr. Arnot.

Mr. Peacock.—If I do not read that note, I would rather proceed to the other evidence I have.

Mr. Buckingham.—I should be happy to hear what Mr. Peacock has to state, and if it is correct, I shall be ready to admit it. I, at one time, believed a greater number of shares to have been sold than afterwards appeared to have been: and this was the cause of that difference: that although 100 shares had been engaged to be taken before I left India, yet when I was removed, all those who had not actually paid their purchase-money, amounting to about 25, declined paying up, as they were unwilling to complete their purchase after my removal. The value of a newspaper, however, depends on the extent of its sale, and on the productiveness of the profits which that sale and its consequent advertisements yield, which is quite apart from the value of the materials, which is by far the least important of the two.

[Mr. Peacock was directed to proceed with his statement.]

Mr. Peacock.—Here is Mr. Richardson's account of the goods he furnished to Mr. Buckingham. In the year 1820, there are goods to the amount of 1,484 l. 8 s. 3 d.; in 1821, 832 l. 19 s. 5 d.; in 1822, 961 l. 18 s.; in 1823, 2,258 l. 12 s. 5 d.; in 1824, 139 l. 19 s. 1 d.; total, 5,677 l. 17 s. 2 d.

[The same was delivered in, as follows:—]

GOODS supplied to Mr. J. S. Buckingham by Mr. J. M. Richardson, No. 23, Cornhill.

		£.	s.	d.	£.	s.	d.
1820.							
Nov. 9.	To amount for printing paper, ink and types, shipped per Competitor	694	13	7			
28.	— press, types, printing paper and ink, shipped per City of Edinburgh	693	15	2			
	— newspapers, books and periodicals, from March 28th 1820 to Dec. 5th 1820	95	19	6			
					1,484	8	3
1821.							
Nov. 20.	To amount for printing paper and ink, per La Belle Alliance	293	12	6			
23.	— patent roller, per Apollo	95	6	8			
Dec. 1.	— printing paper, ink and rollers, per Nancy	360	14	6			
	— newspapers, books and periodicals, from Jan. 1st 1821 to Dec. 31st 1821	83	5	9			
					832	19	5
1822.							
May 30.	To amount for printing paper and ink, per Dorsetshire	310	10	—			
31.	— type, per ditto	6	4	11			
July 27.	— type, per Anne and Amelia	26	8	8			
Sept. 7.	— printing materials, type metal, printer's ink and rollers, per Circassian	50	—	5			
	— periodicals, books and newspapers, from Jan. 1st 1822 to Dec. 31st 1822	568	14	—			
					961	18	—
1823.							
Jan. 10.	To amount for printing press and printing paper, per Swallow	155	—	6			
March 6.	— press, printing paper and ink, per Lord Sufield	239	9	—			
	— press and printing ink, per Mellish	239	9	—			
April 3.	— press and types, per Atlas	562	10	9			
May 10.	— types and printing paper, per Florentia	577	14	5			
June 6.	— six pair of chases, per Susan	15	16	—			
July 26.	— printing paper, per Lotus	79	10	—			
Sept. 17.	— printing paper, per Paget	75	9	6			
	— newspapers, books and periodicals, from Jan. 1st 1823 to Dec. 31st 1823	313	13	3			
					2,258	12	5
1824.							
May 27.	To amount for printing paper, per Mellish	73	—	6			
	— newspapers, books and periodicals, from Jan. 1st 1824 to April 14th 1824	66	18	7			
					139	19	1
					£.	5,677	17 2

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641. Is that all for type and printing materials?—The articles it consists of are chiefly printing paper, ink and types, and books. These are the whole of the goods Mr. Richardson supplied to Mr. Buckingham, during the whole period of his connexion with him; the goods sent in 1823 and 1824 are of course in execution of the orders sent in 1822.

642. From whom did you get this?—I got it from Mr. Richardson yesterday.

643. Does that account distinguish the amount of paper?—Mr. Richardson told me he would furnish me with the detail of the whole account, if I wished it; but that it would take him a week to make it out. In Mr. Buckingham's statement, the stock of the printing-office is taken at 98,000 rupees, and the goods ordered in 1822 at about the same sum. I do not see how Mr. Richardson's supplies, preceding July 1822, can come into this latter amount. Orders in January 1822 at Calcutta, would not be received in England till June or July 1822, therefore anything that Mr. Richardson sent, even in May, could hardly have been in execution of that order. If you take 1820 and 1821 out of this account, it leaves 3,359 £; if you take out of the first half of 1822, it leaves about 3,000 £, and if you take from the items for newspapers, books and periodicals, the probable amount for books, which must be considered as belonging to the separate library, and not to the newspaper concern, you leave about 2,000 £; and if you again take out printing paper, printing materials, printer's ink, all articles consumed in the progress of the concern, you leave very little for press and rollers, and other permanent property. If Mr. Richardson were examined upon that point, as to what portion of these articles would be likely to be left as permanent property in the newspaper office, it would be very small indeed; therefore as Mr. Buckingham, out of his statement of 2,00,000 rupees, makes what is ordered of Mr. Richardson in 1822, one-half of that amount, 10,000 £, and it appears to be only about 3,000 £, and only about 2,000 £ if books be taken out of the account, and still less than that if permanent materials only be taken into calculation, I conceive the first part of the statement, the first 10,000 £, ought not to be taken on trust, when we see that the second is not borne out by the statement of the parties to whom Mr. Buckingham refers. Mr. Buckingham stated in his letter to the Court of Directors of the 13th November 1825, that a loss was sustained in consequence of there being no purchasers to compete with each other for materials which the Government would allow only one favoured man to use to advantage; that I am inclined to dispute altogether. I deny that only Mr. Muston would have been allowed to carry on the concern; and even if so, it does not follow that there were not others who might have used the materials to advantage, there being other printing concerns going on in Calcutta. There are buildings, the stock of a library, and other things, which come into the first statement: those can scarcely be considered as being destroyed by the suppression of the Calcutta Journal; the buildings must have been valuable for other purposes as well as for that. The library was a separate affair. I do not believe there is any account of the sale of these: we should know what they produced. Mr. Buckingham gives this account of his property:

	Rupees.
Purchase of the property (qy.) in 1818 - - - - -	30,000
Purchase of printing materials in Calcutta, of various offices - - -	20,000
Purchase in 1821 of the copyright of the Sunday Guardian - - -	10,000
Buildings at Garston's Buildings - - - - -	8,000
On the removal to Mr. Birch's premises for the construction of printing-offices - - - - -	12,000
Augmentation of the library - - - - -	10,000
	<hr/> 90,000 . .
	<hr/> £. 9,000
Add supplies from Mr. Richardson, progressive. of which between 4,000 £. and 5,000 £. were for books, the rest for printing materials -	5,835
	<hr/> £. 14,835

It would be proper for Mr. Buckingham to give an account of what these sold for; that has not been done. Of the quality of the articles sold, Mr. Sutherland.

land, in answer to question 238, states they were sundries, types, tables and things of that sort. In answer to question 239, he says that part of the library was unsold, and in answer to 240, that the buildings, valued at about 2,000 rupees, were also unsold when he left Calcutta. It is impossible to make out from Mr. Buckingham's and Mr. Richardson's accounts together even the fourth part of the sum of 20,000 £, which Mr. Buckingham says his splendid stock of printing apparatus had cost him, which was knocked down for 18,000 rupees. Mr. Buckingham states also that by the suppression of the paper when under the management of Mr. Sandys, a loss was incurred of at least 20,000 £, reckoning the copyright and goodwill of the concern as worth only five years' purchase, as at its suppression it was clearing 4,000 £. per annum. With respect to that, I wish to refer to what I cited before, the speech of Sir Francis Macnaghten, on passing the licensing regulation. On that occasion Sir Francis Macnaghten observed :

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"As to the property of those who might have speculated upon profits to be derived from an abuse of the Government, it stood upon a very different footing. The Government is no guarantee to such an adventure. It may truly say, '*Non hæc in fœdera veni.*' The Government is free to act as it may think proper; but he hoped if there was anybody concerned in such a fund, that he would not be suffered to benefit by his speculation. If, like other funds, it was to rise as the state in hostility was reduced, and to advance upon every defeat of the enemy, the Government being that enemy, he trusted it would not be long before he saw an end to such a stock, and to such a stock-jobbing."

No doubt the Calcutta Journal might have been very prosperous if it had been permitted to go on in the way it was doing. It had almost a monopoly of opposition to the Government: it published articles tending, in the opinion of the Government, to produce military insubordination. Those articles were very marketable, no doubt, if they made it produce even 4,000 £. a year; but as the Government had the right to suppress it, and felt it their duty to suppress it, they lawfully destroyed that receipt of 4,000 £. a year, or whatever it was, for Mr. Buckingham himself has stated it sometimes at 4,000 £., sometimes at 6,000 £., and sometimes at 8,000 £. a year.

644. Have you directed your attention to the time when the shares were sold and advertised in the papers; there being evidence as to the amount given by Colonel Franklin and others?—In looking over that evidence, it appeared to me there was only one purchaser, and that was Colonel Franklin, who had purchased a share on the ground of its being a good investment of capital; that the others were persons more or less connected with and friendly to Mr. Buckingham, who might have had political or other motives for supporting him. There is only one evidence produced to the Committee of a person who purchased his share as a *bonâ fide* investment of capital; and there may be more numerous instances of such purchasers presented in the case of the worst bubbles of 1825, persons who had purchased shares *bonâ fide* as good investments, on the faith of the conduct of others who had subscribed for very different motives. Mr. Buckingham in answer to question 105 gives the receipts for the paper for the months of 1829, which were in the aggregate from January to October one lac and 8,000 rupees.

645. Are those the gross or the net receipts?—They are the gross receipts. Supposing the year had been completed, it may be assumed that the receipts would have been 1,26,056 rupees.

Mr. Buckingham states, in answer to question 108, that 75 per cent. was set apart for expenses, and 25 per cent. for profit for the shareholders. The fourth part of 1,26,056 rupees is 31,514 rupees, which makes the profits of the paper 3,151 £. 8s. per annum.

Mr. Buckingham himself confesses, in answer to 109, that at the period of the suppression of the paper, it could not be considered to be yielding more than 3,000 £. per annum; but the statements respecting the dividends vary. In the "Few Brief Remarks" of February 24th 1823, Mr. Buckingham states that the shares pay more than 12 per cent. Mr. Sutherland, in answer to question 31, says he received two dividends, one he thinks 12 per cent., and the other less, he forgets whether it was for the whole year. Colonel Franklin, in answer to questions 128, 129 and 130, says he received one dividend of, he thinks, 18 per cent. Therefore, if the dividends measure the value, the profit of the entire concern must have been, at 18 per cent. on the assumed value of

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40,000 *l.*, 7,600 *l.* per annum; and at 12 per cent on the same, 4,800 *l.* per annum.

In answer to Question 99, Mr. Buckingham gives the following account of the receipts of the Journal during six months of 1822, 77,502 rupees, which, being doubled, gave the gross receipts per annum 1,55,004 rupees.

In answer to Question 97, Mr. Buckingham states, that the circulation of the paper was nearly 1,000 per diem, which gives 1,000 subscribers. At 16 rupees each per month, this would give 16,000 rupees per month, or 1,92,000 rupees per annum, or 19,200 *l.* per annum. Twenty-five per cent. on which, set apart for the profits of the shareholders, would give 4,800 *l.* per annum. If the profit be taken at 18 per cent., the amount will be proportionately less, and if at 12 per cent., still more so. There are six publishing days in the week, or 313 publishing days in the year, therefore 1,000 × 313 will give the amount of copies sold in the year 313,000.

In his petition to Parliament, Mr. Buckingham states, 2,000,000 of copies were sold in the five years of his management, which is at the rate of 400,000 copies per annum. The sale of this number of copies would produce the sum of 2,45,376 rupees, or 24,537 *l.* 12 *s.* sterling. Twenty-five per cent. on which would be 6,134 *l.* 8 *s.*

The results may be taken as follows :

GROSS RECEIPTS.			Profits 25 per Cent. of the Gross Receipts according to answer to Question 108.
	Rupees.	£. Sterling.	£. Sterling, per Ann.
According to the statement in answer to Q. 99	1,55,004	15,500	3,875
Ditto ditto to Q. 97	1,92,000	19,200	4,800
Petition to Parliament	2,45,376	24,537	6,134
Profits, at 18 per cent. on the assumed value of £.40,000	-	-	£.7,600.
Ditto 12 ditto	-	-	4,800.

In the letter to the Court of Directors of the 13th November 1825, the profits on the Calcutta Journal are stated by Mr. Buckingham to have been 8,000 *l.* per annum.

Mr. Buckingham alleges that all the losses and sufferings he has endured, have been entailed upon him by the acts of the Bengal Government, without the possibility of any act of his having deserved such punishment, as they all transpired since he quitted the country.

On the 14th February 1823, Mr. Buckingham, in a public notification, says, "arrangements have been made for conducting the Journal on the same independent principles that have hitherto distinguished it." The same assurance is repeated in a another public notification of the 17th February 1823, and in a letter to the secretary to Government of the same date, where it is also stated that Mr. Sandys, an Anglo-Indian, has been purposely selected for Editor to prevent Government from interfering. It was to meet this difficulty that the Licensing Act was passed. On the same subject still stronger assurances were given in the "Few Brief Remarks," published on the 24th February following, and in which Mr. Buckingham adds, that he retains a considerable share in the property, expressly to maintain the character of the paper. The "independent principles" of the Calcutta Journal while under the management of Mr. Buckingham, and under his instructions after his departure, were, in other words, that systematic opposition to the Government, which rendered necessary the measures that terminated in its suppression.

646. The Committee understood that the evidence they were to receive was rather as to the value of the property?—Yes, and this is really to the purpose: it shows the ground upon which the profit arose; however, I will stop here.

647. The Committee understood from you that you were about to prove that the value of the paper, as shown in evidence in 1826, was not really what it was stated to be, and that you could prove that in Calcutta it was not valued so highly?—I think I have shown that it was not worth so much as was stated, even at the lowest. Mr. Buckingham has stated that the annual returns were 4,000 *l.*, 6,000 *l.* and 8,000 *l.*

648. For the same year?—That is my impression. "

649. You mean to assert, that during the same year, with reference to the same

same time, Mr. Buckingham stated the value of his paper to be 4,000*l.*, 6,000*l.* and 8,000*l.*?—That is my impression.

650. Have you closed all you wish to state to the Committee?—I wish to make one remark as to what I have proposed to show. Mr. Buckingham has stated the amount of his capital at 40,000*l.*: 20,000*l.* for the value of the paper, and 20,000*l.* for the value of the stock, which stock consisted of 10,000*l.* for stock in Calcutta, and 10,000*l.* for goods ordered from Mr. Richardson in 1822. I have shown that the latter could not have been much more, for what was actually received in consequence of these orders of 1822, than 3,000*l.*, of which not more than 2,000*l.* was property applicable to the service of the Journal, and still less to its permanent service; therefore if, with respect to one-half, where we can prove Mr. Buckingham has taken credit for 10,000*l.*, it appears to be not much more than 2,000*l.* or 3,000*l.*, I contend we ought to inquire into the other half, and see what the property was, what it cost, and what it sold for, before we take the 10,000*l.* stock on trust from Mr. Buckingham's account; the first 10,000*l.* is matter for inquiry, the second is matter of demonstration.

651. How is that demonstration arrived at?—By the account of Mr. Richardson.

Mr. *Buckingham*.—I admit all the facts which Mr. Peacock has stated, though not his inferences, and I will show that these facts are perfectly reconcilable with my statement.

Mr. *Peacock*.—I consider I have shown there were only about 2,000*l.*, or 3,000*l.*, where credit was taken for 10,000*l.*, and if we even allowed the other 10,000*l.* to stand, there would be only about 12,000*l.* or 13,000*l.* instead of 20,000*l.*; but before we take the first 10,000*l.*, we ought to inquire into it. As to the profit of the paper, Mr. Buckingham has taken it at different amounts, varying from 4,000*l.* a year to 8,000*l.*, and, as I conceive, at the same time. That is my impression. If I am wrong, I am willing to be corrected. I consider him to have stated different amounts with reference to the same period. I wish to add, that in what was given to the shareholders as an equivalent for their purchase of the 100*l.* shares, there was a free copy of the paper given, and that the value of that, distributed over the number of shares, should be made a charge on the receipts of the paper, and it would be found to amount to a considerable sum. I conceive I have shown that Mr. Buckingham has overstated his capital; that he has given different accounts of his income; and that whatever that income was, it arose from opposition to the laws; it arose from a vicious source, and furnishes no ground for a claim to compensation.

Mr. *Buckingham*.—In answer to the observations of Mr. Peacock, I would allude, in the first instance, to what he has said with regard to the supplies sent out by Mr. Richardson. The supplies sent out by Mr. Richardson were 5,677*l.* 17*s.* 2*d.*, by this account; and this came within a small sum of the amount at which I stated them in the evidence of 1826, where it stands printed, at page 5, as 5,835*l.* But these supplies formed a very small part of the whole value of the stock of my establishment. I will read to the Committee the evidence I gave before on this subject in 1826, at page 5 of the printed Minutes. It is thus:

93. Have you any statement to make as to your vesting progressively a capital of more than 20,000*l.* sterling in the establishment of your Journal?—If the Committee will permit me, I will read the preliminary observations which are appended to this estimate of the stock upon which the purchase of the shares was made, those observations going to show how, year after year, additions was made to the stock. The first purchase of the property cost 30,000 rupees, in the year 1818; after that there was an outlay, for the purchase of printing materials in Calcutta, of different offices, to the amount of about 20,000 rupees. Then there was the purchase of the copyright of another paper called the Sunday Guardian, for which 10,000 rupees were given, and which was added to that of the Calcutta Journal: that was in the year 1821. Then there was a certain sum of money laid out upon buildings constructed in a place called Garston's Buildings, to the amount of 8,000 rupees. After that, on the removal of the printing concern to another place, at Mr. Birch's premises, 12,000 rupees were laid out in the construction of printing offices alone. Then by the augmentation of the library, in the purchase of books for the library, and the fitting up of this new printing-office, money was laid out to the extent of about 10,000 rupees. During the same period supplies were sent to me from Mr. Richardson, the bookseller in London, to the amount of 5,835*l.* sterling. I beg to say that Mr. Richardson is here, and may be put

T. Love Peacock,
Esq.

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J. S. Buckingham,
Esq. M.P.

J. S. Buckingham,
Esq. M.P.

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into the box to corroborate the accuracy of this statement. I have no distinct recollection of any addition made to the property after that, in the purchase of materials, except that I know on every occasion when things could be purchased to add to the value and effectiveness of this concern, it was done. The whole amount of those sums will be about 10,000 *l.*; and here is the account from Mr. Richardson of a progressive supply to the amount of 5,835 *l.* in addition to the money laid out.

94. A supply of what?—Printing materials, presses, types, books, papers and pamphlets, consumable materials and unconsumable ones; the schedule itself contains an account of consumable materials and other things in the warehouses, which formed a part of the stock in trade as much as the types and presses.

95. How much of that was for books?—Perhaps from 4,000 *l.* to 5,000 *l.* sterling; it was chiefly a circulating library.

96. To which your subscribers had access?—Yes; it formed one part of the value of the paper that they had access to the library gratuitously. In order to account for the difference that may appear between the value of the things successively added, and the account of the things given in the schedule, I beg to state, that in that account I have stated the amount actually paid, but those things, for which 5,835 *l.* was given by Mr. Richardson, might be well worth in Calcutta at least 8,000 *l.* Those gentlemen here who have been in India will know that things are not to be bought there at the price at which they are put on board in London; and therefore in making out a schedule of the value of the property for sale, it is put at an amount more than it actually cost me, because the sum that it cost me was paid in London, and there was the additional value which all this property had derived from the long voyage.

It is said by Mr. Peacock, that part of those supplies did not come within the period named by him; that only 2,000 *l.* came after July, in the year 1822; but Mr. Peacock will perhaps admit, what is perfectly true, that up to my arrival in England, Mr. Richardson having no intelligence of my coming home, the stream of supplies was constantly going out. Subsequent to my arrival, and after I heard of the final suppression of my paper, I felt it my duty to suspend several orders which were going out, but had been delayed from various causes, since it was useless to be sending out materials for a concern that was destroyed. I consider that these would enter fairly into the calculation of the original estimate, in which these were entered as prospective supplies; because at the time the valuation was made, it was believed that they would all come, but some of them did not, merely because, after I came home, and the further publication of my paper was stopped, I prevented more supplies from going out.

Then as to whether there was competition at the sale of the printing materials and stock, it is true there was a competition for some of the types, but a very miserable one indeed. There would always be persons to buy them for some purpose or other; but what will be said of the statement made, that 18,000 rupees, or 1,800 *l.* was the whole produce of all these materials, which it cost 20,000 *l.* to put together. That which I purchased originally was the stock of two other newspapers, and that which Mr. Richardson supplied me with was a mere fractional addition. Now, though there was a competition for the types, it was very limited; because there could be no purchase made for another newspaper to be printed with them. Some were bought for printing hand-bills; but the Honourable Chairman knows very well, that if the ink has touched the types once, and they have been used, they sell for half-price; and if they have been worn any time, they are sold for old metal; which is one-eighth of what they would cost, though they might still do the work of new types for the original proprietor. The only competitor who could use them for a newspaper was Dr. Muston, the son-in-law of Mr. Harrington, one of the members of the Indian Government; he offered to rent the materials for a year, and pay rent for the premises, but the Government would not allow this to be done, because they said they had no security that I should not return when the year was out. In point of fact, Dr. Muston did use those types for a newspaper of his own, which he was permitted at length to set up on the ruins of mine, taking all its good-will and subscribers without consideration; and he afterwards sold the copyright, thus conferred on him, to some other gentlemen, the proprietors of the "Bengal Hurkara." I do not say that Dr. Muston was wrong in so selling what the Government gave him; but I must say, that the Government was wrong in suffering him to transfer to others a copyright that belonged not to himself, but to me.

652. Is it not in evidence that your agents applied to have a licence for another individual to go on with your paper; but that they positively refused to give it to anybody but Dr. Muston?—Yes, that fact was proved, and the

Committee

Committee will find the whole correspondence on this subject at page 150 to 155 of the printed Minutes already in their hands.

*J. S. Buckingham,
Esq. M.P.*

[*Mr. Peacock laid some papers on the table, and stated, that the assumption was not borne out by the Government records.*]

31 July 1834..

Then as to the value of the buildings, it was said by Mr. Peacock, though there might be a loss upon the types and the good-will, yet the buildings would be worth the same. But it should be recollected, that the construction of a building for a printing-office makes it totally useless for any other purpose; and my concern had become so extensive, that I took the large house of Mr. Birch, a magistrate, for which I was to give 500 *l.* a year; and he having granted me a lease for 7, 14 or 21 years, I felt myself authorized to lay out a considerable sum in erecting buildings adjoining it, and adapting them to my purposes, and when I was ordered to quit the country these premises were of no value. I could not sell the buildings at anything like the price they cost me, as they were useless, except for go-downs or cellars, or similar purposes.

Next as to the apparent discrepancies in the value of the concern. The copyright of the Calcutta Journal was valued at 20,000 *l.*, the profit yielded on this copyright alone was 4,000 *l.* a year, which I calculated at five years' purchase, making 20,000 *l.* The materials produced by their use a profit of 4,000 *l.* also, and this, calculated on their value, in the same way at five years' purchase, would make 20,000 *l.* more. But the copyright was worth all that it was valued at, whether there was a single type belonging to it or not: the copyright is the good-will or profit-producing power, and has nothing to do with the types at all. There are many papers in London, such as the *Athenæum*, *Spectator* and *Examiner*, and all the great Reviews, the *Edinburgh*, the *Quarterly*, and the *Westminster*, who have not a single type belonging to them; they are printed at other printers; but their copyright, like that of any book, is of great value, perhaps many thousand pounds, without having types or any other materials worth sixpence.

The difference between the 4,000 *l.* a-year and the 8,000 *l.* a-year is, that the one is given when speaking of the productive power of the copyright only, and the other includes both that and the profit from the use of the printing materials. The difference between the 6,000 *l.* and the 8,000 *l.* is accounted for in this way: it does not apply to the same period, but to different periods. I have generally struck an average between the two seasons. In the winter it produced much more, because people are more collected together in the towns; in the summer it produced less, because people are moving about the country.

Mr. Peacock says the copyright ought to have been suppressed, because I had a monopoly of the opposition to the Government. The reason of this monopoly was, that I was the only gentleman perfectly independent of the Government, as many of them were officers who dared not to conduct such an opposition paper. It would have been more fortunate perhaps for me if I had been a Government officer too, as then I should probably have incurred no such risk; but that the copyright of my Journal existed, and was of great productive value, is not to be denied.

It was said by Mr. Peacock, there was only one witness examined in England as to the purchase of shares in the Calcutta Journal; the fact is, that there were three witnesses examined on this point. One of these was hostile, and it was wormed out of him with considerable difficulty, that he believed the shares were bought as a good investment, and yielded a large real profit; because the accountant of the Calcutta Journal, who had the best means of knowing the truth on this subject, had told him so. This was Mr. Sandford Arnot, whose evidence on this subject the Committee will find at page 11 of the printed Minutes of Evidence, taken in 1826, question 198. Now, the reason why there were only three witnesses examined on this point in England is evident, that all the other shareholders were in India, and could not be brought over here for this purpose; but it was proved that there were no less than seventy shareholders besides. But though there were only three witnesses examined, Mr. Sutherland, my banker and agent, proved again and again that the purchase-money for seventy shares passed through his hands, that he knew of their existence, that he bought his own share as a mercantile investment, and that the shares were *bonâ fide* shares, and existed and yielded profit for more than 12 months before I was sent out of the country. There were 70 or 72 shares, I could not speak accurately

J. S. Buckingham,
Esq. M.P.

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ately at the time, as the country being so far off we do not get accurate information till a year after an inquiry is sent out from hence.

Mr. Peacock says, the paper was only yielding 3,000*l.* a-year at the time of its suppression. If that were taken as the scale of my compensation, I should be satisfied to be secured that diminished income of 3,000*l.* a-year, as the basis of the calculation of my compensation; but the reason it had declined to that annual income was owing to my having been sent away from the country: my superintendence was lost to it, and its circulation declined, as people do not like a dull and stupid paper so well as one conducted with spirit and intelligence; besides it cannot be permitted that the Government should take the real value of the paper at this reduced rate of income, for they themselves having caused this by my removal, any estimate formed on this rate of profit, instead of the larger rates of 6,000 *l.* and 8,000*l.* a-year, would be allowing them to take the benefit of their own wrong.

The difference between the statements of 75 shares being sold, and of 100 being sold, is true. I stated in my first petition to Parliament in 1824, that there were 100 shares sold, for I then believed it, my agents having told me that 98 were actually sold, and three or four more expected to be disposed of; but when I was sent out of the country, such as had not actually paid their purchase-money drew back, and that reduced the 100 who had engaged to pay, to 72 that actually did pay, when the purchasing ceased.

The last point is the several differences in the annual rate of profit, which is variously stated as 4,000 *l.*, 6,000 *l.* and 8,000*l.* respectively. I have anticipated that explanation by saying that the difference between the 4,000 *l.* and the 8,000 *l.* was accounted for in this way: that the copyright was taken at 20,000 *l.*, and the stock also at 20,000 *l.*, and each was supposed to produce an equal return, making the 8,000 *l.* in the whole; and the reason why 6,000 *l.* and 8,000 *l.* were mentioned as the rates of annual profit was, that at one period it was 6,000 *l.*, at another 7,000 *l.*, and at another 8,000 *l.*, and I have generally taken the average between the 8,000 *l.* in its most flourishing time, and the 6,000 *l.* in other periods of the season.

Mr. Peacock.—I beg to set Mr. Buckingham right upon one point. I said there was only one witness examined who appeared to have purchased a share on the ground of its being a good investment, that the others were friendly to or connected with him.

Mr. Buckingham.—One was my banker and agent, Mr. James Colebrooke Sutherland, a highly honourable man, and partner in the great house of Alexander & Co. He said that the purchase of his share cost so small a sum, only 100*l.*, that he did not care to make much inquiry about it; but being a partner in the house of my bankers and agents, and having, I dare say, 100,000 *l.* of mine passing through their hands annually, he was quite satisfied as to the value of the concern. Colonel Franklin was also examined on the same subject, and he said he bought his share as a good investment, and received a handsome dividend of 18 per cent., and had a copy of the Journal free besides the dividend, which made his real dividend 36 per cent. per annum, and therefore the evidence as to the value is complete. And, as I said before, if there had not been a shilling's worth of materials, the Journal would be fairly worth 40,000 *l.*, because it produced from 6,000 *l.* to 8,000 *l.* sterling of net annual profit, taking it at between five and six years' purchase, and well established and increasingly profitable papers, as mine was, often sell at 9 and 10 years' purchase, or even more. But adding to this productive power of yielding that annual profit, which alone would make it worth 40,000 *l.*, the extensive and valuable stock of materials, buildings, &c. built and got together in the most perfect manner for such a purpose, even if Mr. Richardson's supplies of 5,000 *l.* be cast wholly out of view, no man of business, at all acquainted with the nature of such property, can doubt for a moment that the valuation which made the whole property worth 40,000 *l.*, because it produced on the average 7,000 *l.* sterling of profit in the year, as taken between the two extremes of 6,000 *l.* and 8,000 *l.* at the different periods described, is much below, instead of being above, its fair *bonâ fide* amount; and if the Committee should decide that compensation ought to be made to me for the destruction of this valuable property, they can now have no difficulty in fixing the amount.

A P P E N D I X.

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APPENDIX.

I.

COPY of the LICENCE under which *James Silk Buckingham* was residing at *Calcutta* in the Year 1818.

Recital of the party's application for leave to go India as a free mariner.

He covenants.

To submit himself to the regulation of the Local Government there.

Not to trade contrary to law.

To make satisfaction to natives or foreigners, and native states, for oppression, wrong and offences.

Not to quit India without leave, and to satisfy all debts to the Company, natives and foreigners, before departure.

THIS INDENTURE, made the 19th day of October 1818, between the United Company of Merchants of England trading to the East Indies of the one part, and James S. Buckingham of the other part, Witnesseth, that, at the request of James S. Buckingham, the said United Company have given and granted, and by these presents do give and grant, full and free licence, power and authority unto the said James S. Buckingham, during the pleasure of the said Company, and until this licence shall be revoked by the said Company, or their Court of Directors, or the Governor-general, or Governor or other chief officers of the said Company at any of their presidencies, settlements or factories, having lawful authority for that purpose, to proceed to the East Indies and parts within the limits of the said Company's charter, as a free mariner, there to continue and provide for himself in the seafaring way, subject to all such provisions and restrictions as are now or hereafter may be in force with regard to persons residing in India, and also subject to the covenants and agreements of the said James S. Buckingham hereinafter mentioned. Provided always, and these presents are upon this express condition, that in case of breach or non-observance of any of the provisions, restrictions, covenants or agreements subject to which this licence is granted, on the part of the said James S. Buckingham to be observed and performed, then and from thenceforth the licence hereby granted shall be and become absolutely null and void and of no force or effect whatsoever, and the said James S. Buckingham shall be deemed and taken to be a person and being in the East Indies without any licence or authority for that purpose. And the said James S. Buckingham for himself, his heirs, executors and administrators, doth hereby covenant, promise and agree with and to the said United Company, in manner and form following, that is to say: First, That he the said James S. Buckingham, from the time of his arrival at either of the presidencies of the said United Company in the East Indies, shall and will behave and conduct himself, from time to time and in all respects, conformably to all such rules and regulations as now are or hereafter may be in force at such presidency, or at any other presidency in the East Indies where he the said James S. Buckingham may happen to be, and which shall be applicable to him or his conduct, and which he ought to obey, observe and conform to. Secondly, That he the said James S. Buckingham shall not nor will, by himself, or in partnership with any other person or persons, or by the agency of any other person or persons, either as principal, factor or agent, directly or indirectly engage, carry on or be concerned in any trade, bank, dealings or transactions whatsoever, contrary to law. Thirdly, And that in case the said James S. Buckingham shall be guilty of any violence, oppression or wrong to any person or persons not being an European born subject, or European born subjects of His Majesty, his heirs or successors, or shall commit any offence against any king, prince, government, state or nation within the limits of the said Company's charter, or shall be charged with any such violence, oppression, wrong or offence, then and in such case the said James S. Buckingham shall and will submit himself therein, in all things, to the decision of the said United Company, or their Court of Directors, or of the Governor-general, or Governor in Council, or chief officers of any of the presidencies, settlements or factories of the said Company, if they or any of them shall see fit to interfere therein; and that he the said James S. Buckingham, his executors or administrators, shall and will pay and make good all such sum and sums of money, and do and perform all such acts, matters and things whatsoever, as a reparation of the injury which he shall have occasioned, or the offence he shall have given, as he shall be required by any such decision to pay, make good, do or perform; and in failure thereof, it shall be lawful to and for the said Company, or their Court of Directors, or any of their agents, to pay, or cause the same to be paid, made good, done and performed, and thereupon the said James S. Buckingham, his executors or administrators, shall and will reimburse to the said Company, their successors or assigns, all such sum or sums of money as shall be so paid, and all costs, charges and expenses which may be incurred thereby. Fourthly, And that before he, the said James S. Buckingham, shall return to Europe, or remove from, quit or leave the East Indies, he, the said James S. Buckingham, shall and will pay and satisfy and perform all such debts, sums of money, duties and engagements, as he shall owe or be liable to perform to the said Company, or any person or persons not being an European born subject, or European born subjects of His Majesty, his heirs or successors, or for any injury or offence he may have done or committed, as hereinbefore mentioned; and that in case of any breach of this covenant, he, the said James S. Buckingham, shall and will pay unto the said Company and their successors, for the damages in respect of the breach thereof, such sum of money as he shall have owed, and which he shall have omitted to pay, as hereinbefore mentioned, or such sum of money as shall be equal to the damage actually sustained by any person or persons, by breach or non-performance of any duty or engagement which, under the

covenant

covenant hereinbefore contained, he ought to have satisfied or performed, before such return or removal, to the end that the said Company, if they shall see fit, may pay over such damages to the creditor or creditors, or injured party or parties, for his, her or their own benefit, or may apply them for any other purpose, or keep them for the use of the said Company, their successors or assigns. In witness whereof, to one part of these indentures the said United Company have caused their common seal to be affixed, and to the other part thereof the said James S. Buckingham has set his hand and seal, the day and year above written.

(signed) *James S. Buckingham.*

Sealed and delivered at Calcutta, in Bengal, in the presence of

(signed) *H. W. Poe,*
Attorney to the Honourable Company.

II.

COPY of all CORRESPONDENCE which took place between the Government of Bengal and Mr. Buckingham, relating to the Conduct of the *Calcutta Journal*, and to the Revocation of Mr. Buckingham's LICENCE.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 2d October 1818.

No. 1.—Mr. J. S. Buckingham to John Adam, Esq., Chief Secretary to Government.

Sir,

BEING about to establish a new Journal, the extensive circulation of which will, I presume to hope, be productive of public convenience and utility, and being desirous of submitting a prospectus of the same to the heads of the different departments in the principal stations throughout India, I have to beg that you will solicit for me from the Governor-general in Council the privilege of being allowed to transmit this prospectus, free of postage, to such stations.

My claim is made on no other foundation than the known disposition of the Government to afford every facility to useful undertakings; and the belief that this will deserve to be so classed, I indulge the hope that an exemption from postage will be granted to me for the first number only, which, being to be submitted as a specimen, will be distributed gratis.

26 Sept. 1818.

I have, &c.
(signed) *J. S. Buckingham.*

No. 2.—To Mr. Buckingham.

Sir,

I AM directed to acknowledge the receipt of your letter of this date, and to inform you that the Governor-general in Council has been pleased to comply with your application, that the first number of the new Journal which you are about to establish at this presidency may be passed to the principal stations throughout India, subject to the Honourable Company's authority, free of postage.

The necessary orders will accordingly be issued to the postmaster-general.

Council-chamber, }
26 Sept. 1818. }

I have, &c.
(signed) *C. Lushington,*
Secretary to the Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 25th June 1819.

No. 4.—To Mr. Buckingham, Editor of the *Calcutta Journal*.

Sir,

THE attention of Government having been drawn by certain paragraphs published in the *Calcutta Journal* of Wednesday, the 26th ultimo, I am directed by his Excellency the most noble the Governor-general in Council to communicate to you the following remarks regarding them.

2. The paragraphs in question are as follows:

"Madras. We have received a letter from Madras of the 10th instant, written on deep black-edged mourning post of considerable breadth, and apparently made for the occasion, communicating, as a piece of melancholy and afflicting intelligence, the fact of Mr. Elliott's being confirmed in the government of that presidency for three years longer.

"It is regarded at Madras as a public calamity, and we fear that it will be viewed in no other light throughout India generally. An anecdote is mentioned in the same letter regarding the exercise of the censorship of the press, which is worthy of being recorded, as a fact illustrative of the callosity to which the human heart may arrive; and it may be useful, humiliating as it is to the pride of our species, to show what men, by giving loose to the principles of despotism over their fellows, may at length arrive at.

"It will be in the recollection of our readers, that a very beautiful and pathetic letter from

from the late lamented Princess Charlotte to her mother, written just previous to her death, was printed in the Calcutta Journal about a month ago. This was as much admired at Madras as it had been here; and the editors of the public prints there, very laudably desiring to add every possible interest to their columns, had inserted this letter, but it was struck out by the pen of the censor (whom the public of course exonerate, since it is known to all by whom it is necessarily directed), and the only reason that could be assigned for its suppression, was that it placed the character of the Princess Charlotte, and her attachment to her mother, in too amiable a light, and tended to criminate by inference those who were accessory to their unnatural separation, of which party the friends of the director of the censor of the press unfortunately were."

3. The Governor-general in Council observes, that this publication is a wanton attack upon the Governor of the presidency of Fort St. George, in which his continuance in office is represented as a public calamity, and his conduct in administration asserted to be governed by despotic principles and influenced by unworthy motives.

4. The Governor-general in Council refrains from enlarging upon the injurious effects which publications of such a nature are calculated to produce in the due administration of the affairs of this country. It is sufficient to inform you, that he considers the paragraphs above quoted to be highly offensive and objectionable in themselves, and to amount to a violation of the obvious spirit of the instructions communicated to the editors of newspapers at the period when this Government was pleased to permit the publication of newspapers, without subjecting them to the previous revision of the officers of Government.

5. The Governor-general in Council regrets to observe that this is not the only instance in which the Calcutta Journal has contained publications at variance with the spirit of the instructions above referred to. On the present occasion, the Governor-general in Council does not propose to exercise the powers vested in him by law; but I am directed to acquaint you, that by any repetition of a similar offence you will be considered to have forfeited all claim to the countenance and protection of this Government, and will subject yourself to be proceeded against under the 36th section of the 53d Geo. 3, c. 155.

I am, &c.

Council-chamber, }
18 June 1819. }

(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 6.—Mr. J. S. Buckingham to W. B. Bayley, Esq., Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 18th instant, expressing the displeasure of the Governor-general in Council at the publication of certain paragraphs in the Calcutta Journal of the 26th ultimo, reflecting on the character of Mr. Elliot in his public capacity as governor of Madras.

I shall not presume to intrude on the notice of his Lordship in Council any observations tending to the extenuation of my conduct in this or in any previous instance, as departing from the spirit of the instructions issued to the editors of the public journals in India at the period they were exempted from the necessity of previously submitting their publications to the revision of the Secretary to Government.

I shall rather confine myself to observing, that I sincerely regret my having given cause to his Lordship in Council to express his displeasure, and the more so, as there is not an individual among the numerous subjects under his benign government, who is more sensible than myself of the unprecedented liberality which has marked his Lordship's administration in general, and the immense obligation which all the friends of the press owe to the measure of the revised regulation in particular.

The very marked indulgence which his Lordship in Council is pleased to exercise towards me, in remitting on this occasion the exercise of the powers vested in him by law, will operate as an additional incentive to my future observance of the spirit of the instructions issued before the commencement of the Calcutta Journal to the editors of the public prints of India in August 1818, of which I am now fully informed, and which I shall henceforth make my guide.

I have, &c.

Calcutta, 22 June 1819.

(signed) *James S. Buckingham.*

EXTRACT BENGAL PUBLIC CONSULTATIONS, 4th February 1820.

THE following Correspondence with Mr. Buckingham, the editor of the Calcutta Journal, and the Minute of Mr. Adam on the subject, having been received from the chief secretary's office, are ordered to be here recorded.

No. 1.—To Mr. Buckingham, Editor of the Calcutta Journal.

Sir,

THE tenor of certain observations contained in the Calcutta Journal of yesterday's date, under the head of a notice "To Subscribers under the Madras Presidency," has appeared to his Excellency the most noble the Governor-general in Council to be so highly improper as to call for immediate notice from this Government.

2. The

SELECT COMMITTEE ON CALCUTTA JOURNAL.

19

2. The observations alluded to are clearly intended to convey the impression that the government of Fort St. George had taken measures to impede the circulation of the Calcutta Journal, which measures were unjust in themselves and originated in improper motives.

3. The measures of the Madras government to which you allude, appear to be those adopted for the purpose of levying the usual postage to which the Calcutta Journal as well as other newspapers are subjected within the territories immediately subordinate to that presidency.

4. Under the arrangement sanctioned by Government on the 27th of August last, the Calcutta Journal was allowed to circulate to all stations to which the post-office regulations of this presidency extend, free of nominal postage, and you were distinctly apprized by Mr. Secretary Lushington's letter of the 26th November, that the engagements into which you had entered at the post-office at this presidency did not apply beyond the limits in question, and that this Government could not interfere with respect to any charges on the transmission of your papers beyond those limits.

5. Your remarks on the proceedings of the government of Fort St. George are obviously in violation of the spirit of those rules to which your particular attention, as the editor of the Calcutta Journal, has been before called, and the unfounded insinuations conveyed in those remarks greatly aggravate the impropriety of your conduct on this occasion.

6. The Governor-general in Council has perceived with regret the little impression made on you by the indulgence you have already experienced, and I am directed to warn you of the certain consequence of your again incurring the displeasure of Government. In the present instance his Lordship will content himself with requiring that a distinct acknowledgment of the impropriety of your conduct, and a full and sufficient apology to the government of Fort St. George, for the injurious insinuations inserted in your paper of yesterday, with regard to the conduct of that government, be published in the Calcutta Journal.

7. You are further required to transmit the draft of such acknowledgment, and apology to the chief secretary's office, within the period of three days from the receipt of this letter.

8. If it should be considered sufficiently satisfactory, it will be returned to you for publication, but if not, such further communication will be made to you on the subject as the Governor-general in Council may be pleased to direct.

I am, &c.

General Department,
12 January 1820.

(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 2.—Mr. J. S. Buckingham, Office of the Calcutta Journal, 16th January 1820,
to W. B. Bayley, Esq., Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, communicating to me the displeasure of his Excellency the most noble the Governor-general in Council, at the tenor of certain observations contained in the Calcutta Journal of the preceding day, under the head of a notice to subscribers under the Madras presidency.

2. In reply to this communication, I have first to express my sincere and deep regret, that any act of mine should appear to his Excellency to require the notice of this Government, and still more so, that such an act should have arisen from the exercise of my labours as director of a public press, inasmuch as I can safely and solemnly aver, that no man can feel more grateful to his Excellency for the indulgent liberality which he has always shown to the exercise of those privileges given to us by his removal of the restrictions which formerly bound it, than myself, and that no man would feel more sorrow at any undue infringement of that liberality, or any real abuse of the powers thus vested in the editors of public journals, than I should do.

3. I have too firm a reliance on his Lordship's impartiality and too great a confidence in his justice, not to hope, however, that he will condescend to hear what I have to offer in explanation, however tedious the detail into which it may lead me; and I shall await the issue of his Excellency's decision with that obedience to his authority which all men ought cheerfully to pay to a power so equitably exercised.

4. When on a former occasion my attention was called to the restrictions or regulations of August 1818, which were issued for the guidance of the editors of newspapers here, I promised a compliance with them in my future labours, and as long as I considered them to be in force, I did accordingly make the spirit of them the rule of my conduct. On the subsequent occasion, however, of an address being presented to his Excellency the Governor-general, from the inhabitants of Madras, I heard with pleasure the explanation which his Lordship then offered to the world for the removal of the restrictions from the Indian press, and as this was an avowal of the motives by which an act of his Lordship in Council had been guided, as it emanated from the illustrious head of the Government himself, and as it was long subsequent in date to the restrictions of 1818, I conceived that by this solemn and public declaration, the letter of those restrictions was virtually abrogated, as it appeared to my erring judgment, in common with many others, that the sentiments there expressed and the prohibitions which were formerly in force, were wholly incompatible and could not simultaneously exist.

5. This conviction was strengthened when I saw around me every day a constant violation of those very restrictions of 1818, in the Gazette of the Government itself, in which were re-published from the English papers—

1st. Animadversions on the conduct of the Court of Directors and other public authorities in England, connected with the government of India;

2dly. Discussions on the religious opinions and observances of the natives of India, originating in this country, as well as reports of the measures taken in England for the dissemination of Christianity among the subjects of our Indian empire; and,

3dly. Personal remarks on individuals not only tending to but actually creating great dissension in society, which include all the points expressly prohibited by the restrictions of August 1818, and which were repeated, week after week, without interruption.

6. I accordingly published the remarks of others, and frequently added my own, on the measures of Government in all its departments, civil, military and marine, the result of which was to extend the admiration of its policy to every corner of the British empire in India; and never was the maxim which the Governor-general had pronounced, of "governments which had nothing to disguise, wielding the most powerful instrument that can appertain to sovereign rule, and carrying with them the united reliance and effort of the whole mass of the governed," more fully evinced than in the general sense and feeling of the whole community of India, on those parts of his Lordship's administration thus made the subject of that public scrutiny which we had so magnanimously invited.

7. Every thing tended to confirm me in my opinion, that I had right interpreted the wishes and sentiments of the Governor-general on this important subject, and scarcely a day passed without my breaking the letter of those regulations, which I conceived to have no longer an existence. I contended openly and honestly that the press was free; and when the restrictions of August 1818 were pointed out by the editors of some other papers of the presidency, I opposed to them the more recent and equally high authority of the manifesto of July 1819; I gave publicity to the opinion of one of the first lawyers of the settlement, that the restrictions were illegal. I repeated the sentiments of Englishmen from the very heart of the interior of India, and the sentiments of public writers in England, that Lord Hastings had, by his emancipation of the press, conferred a boon on his fellow-subjects here, which surpassed in value all that had before been granted to them by any ruler in whose hands their destinies had hitherto been placed. And as all this stood uncontradicted, I conceived for myself, in common apparently with Mr. Fergusson and many others, that the press of India was subject only to those laws which regulate it in England, and that it was amenable only to the local authority, inasmuch as that was the executive of the British laws in India.

8. In the exercise of this freedom, I ventured to call in question the policy and the liberality of the Court of Directors in some of its former, and still more of its recent acts, as applied to the immediate administration of Lord Hastings himself. I hesitated not to speak, as Englishmen would do at home, on all the passing events of the times, from whatever source they emanated, with that freedom which had only truth for its limits, and the honest intention of public good for its end. The conduct of the Bombay government, or of its public officers, on the occasion of its first expedition to the Persian Gulf; the defects of the equipment of its second and now pending armament; the publication of the entire report of the meeting at Madras convened to consider of the address to Lord Hastings, which was not suffered to be published at that presidency, but which was reprinted afterwards by the Government Gazette here; and, in short, topics that would be too numerous and too tedious for me to detail, but which must be in the recollection of all persons by whom the Calcutta Journal has been read, were all touched on with freedom.

9. This, however, is a topic which it may be improper for me to enlarge on; and when I proceed to an explanation of the immediate cause of the remarks published in the Calcutta Journal, which have occasioned your present demand for a retraction and apology, I have only to beg that you will entreat the patient attention of his Lordship in Council to what I have to offer on that head. I regret the length of the detail into which it may lead me; but when the ends of justice are to be promoted, I confidently rely on his Lordship's indulgence and impartiality for a hearing.

10. On the 27th of August 1819, his Lordship in Council was pleased to sanction an arrangement for my payment into the post-office of this presidency a monthly sum, in consideration of which the Calcutta Journal was to be guaranteed to pass free to all the stations to which the post-office regulations of this presidency extended, the amount of which sum was to be computed according to the actual postage due on the numbers of the Calcutta Journal that had been dispatched from the general post-office here within the same month, namely, August 1819.

11. Mr. Hall, the late postmaster-general, was instructed to carry this arrangement into effect, and in the first interview which I had with him on this subject, he himself gave me the option of two modes of forming the computation of the monthly sum to be paid. One of these was to have the postage calculated from Calcutta to certain limits where the post-offices of the other presidencies commenced, and to have the papers marked paid to those limits only, leaving the postage beyond them to be paid by the persons to whom they were addressed; the other mode was, to have the computation made according to the amount of the whole postage due on the papers from Calcutta to their separate ultimate destinations, and on payment of this sum to have them stamped "Full Post paid," which would ensure their free passage without further impost all the way.

12. As the great object that I wished to accomplish was an equalization of price, and a uniformity of system for the transmission of the journal all over India, I preferred the latter mode, though to me by far the most expensive. I distinctly asked, however, whether the post-office regulations of this presidency, which was marked in the contract as the limit of my privilege, did extend to the receiving postage for letters to any part of India, and guaranteeing them free and without charge to wherever they might be addressed, and Mr. Hall satisfied me that they did, by showing me the post-office registers, in which letters and papers were entered for places under the respective governments of Bombay, Madras and Ceylon; the postage of which being paid here guaranteed their free passage all the way, to whatever places they might be addressed; and these same registers proved also that a reciprocity of system existed under those governments with regard to the transmission of letters to places under this presidency; as every dawk brought letters from Ceylon, Madras and Bombay, the postage of which was paid at those respective places, and they reached the post-office here, marked "post paid," without having borne any additional impost at any intermediate station, or without being subject to any additional charge on their delivery here. It was clear therefore to us both, that as far as the receipt of postage on the papers, and their free transmission to their ultimate destination was concerned, the post-office regulations of this presidency extended all over the British possessions in India, either by law or by custom, and mutual convenience, for this at least was the practice, and it seemed so clear both to the postmaster-general and myself, that we did not deem a reference to the Government necessary, but fixed the computation of the monthly sum on this principle, and executed the bond for the amount conjointly in this belief and impression.

13. The full postage on the papers was then actually paid by me in this contract, and they were marked as all letters and papers so paid are marked, with the post-office stamp, "full post paid," and dispatched accordingly. At first, for a period of about a month, as nearly as I can collect from the letters of different correspondents under the Madras presidency, they were allowed to pass free to Madras, but postage from Madras to stations beyond it under that presidency was charged to the persons to whom they were addressed. Even in this, however, there was a distinct acknowledgment of the principle and practice that the mark of "full post paid" should guarantee any letter or paper to its ultimate destination, for in a letter of Mr. Sherson, the postmaster-general at Madras, addressed to John Babington, Esq. Calicut, dated 6th December 1819 (attested copies of which I have been furnished with), the charge of postage from Madras to places beyond it is thus explained: Mr. Sherson says, "In reply to your letter of the 28th ultimo, I beg to state, that the Calcutta Journals from the 1st September last, although marked on the envelope 'full post paid,' are inserted in the lists which accompany the mails from Calcutta, as paid to Madras only, consequently the additional postage from Madras to their destination was charged agreeably to the regulations until the 21st of October."

14. Here, then, was a distinct acknowledgment, that but for the manner of registry in a list, of which of course I could know nothing, the papers would have gone all the way free, on the same authority as they reached Madras free, namely, that they were marked "full post paid." Through whose mistake this entry was made in the post-office list, differing from the stamp on the envelope, and thus subjecting my subscribers to such loss as this distinction created, I did not inquire; but having learnt that this was the case from private letters long before the copies of Mr. Sherson's correspondence reached me, I had applied to Mr. Hall, to represent the irregularity of such a step as charging postage within the Madras territory, when I had already paid the full postage here. Mr. Hall saw and confessed the injustice of this charge, and immediately dispatched a letter to Mr. Sherson, saying that the full postage had been paid on all the Calcutta Journals sent from hence, and adding, that the regulations of the post-office of this presidency empowered him to guarantee for this equivalent their free passage all the way.

15. This letter reached the postmaster-general at Madras on the 21st October, the date which he fixed in his letter to Mr. Babington; up to which period the postage from Madras to Calicut had been paid; and in the same letter he says, "but in consequence of a recent communication from the postmaster-general at Calcutta, the charging of inland postage on the Calcutta Journals transmitted from this office to out-stations ceased on the 26th of October." This was a still more distinct acknowledgment of the principle that the post-office regulations of this presidency did extend to all places under the British government, as far as the receipt of money and free transmission was concerned, and it was thought so by the government of Madras, as well as by the postmasters of that presidency, since this practice of suffering it to go free, because marked "full post paid," continued with the consent of the Madras government, for a period of a month, at the end of which, on the 26th of November, an impost was ordered to be put on it, not from Madras to the stations beyond it, in consequence of any difference between the post-office lists and the stamps on the covers as before, but from Ganjam to Madras and onward, although the full postage continued to be paid monthly by me here, and the same post-office stamp was affixed as usual.

16. At the same time that these charges were made on the transmission of the Calcutta Journal, other papers and letters, marked exactly in the same way, were suffered to go free, both from Calcutta to Madras, and from stations under that presidency to Calcutta. It was impossible for me not to regard this apparently partial application of a rule to my papers which did not apply to other covers going in the same way, otherwise than as a marked distinction; and as I had the strongest reason to know that the Calcutta Journal

had become particularly obnoxious to that government from my publication of the report of the Madras meeting to address Lord Hastings on courts-martial, in which officers arrested on certain charges had been honourably acquitted, and many other documents which had not been allowed publication at Madras, while private letters, which I could not be permitted to cite in evidence, confirmed me in that opinion; I could not otherwise account for the application of an impediment to the passage of the Calcutta Journal through the Madras territories, which was not applied to any other description of correspondence transmitted by the same dawk.

17. On my application to Mr. Hall, the late postmaster-general, to understand distinctly how these apparent inconsistencies were to be explained, he stated to me, that Mr. Secretary Lushington had communicated to him, that he had misconceived the intentions of the Government, which were, that the papers should go free to Ganjam only, and be paid for by me thus far. As I had no wish to oppose the authority of Government, and no reason to dispute its intentions, I readily assented to this (to me) new interpretation of the contract, as far as it applied to the future transmission of the Journal, and the Government in justice as readily granted me a proportionate deduction of the sum that had been entered in the monthly computation for postage to all places beyond it, while the papers were to be marked in future "Free to Ganjam only." But as this could take no retrospective effect, I became subjected to a heavy loss, in being obliged to refund to my subscribers all the sums they had paid for postage beyond Ganjam, as I had guaranteed the free postage of the journal to them for a certain sum; besides which, many of the papers were refused to be taken in by the persons to whom they were addressed, in consequence of this additional charge of postage; so that they were returned to me, bearing double postage, from Madras and elsewhere, by which I was compelled to pay the postage on them three distinct times; first, in the estimate of the contract; secondly, in the passage from Ganjam to their original destination; and, thirdly, the whole of the way from thence back again to Calcutta, without my being able to demand any thing from the subscriber who had declined taking it in, and without the paper being of any value to me when returned.

18. All this was unquestionably an aggravation of evils to which I alone was subject, and, as it appeared to me, without just cause; for although the last and most decided interpretation of the Government here had fixed that the paper should go free to Ganjam only, and be so marked, yet the Madras government or postmaster, who would be justified in exacting a postage on it when marked free only to that place, were not so justified, as it appeared to me, in making this exaction when it was marked "full post paid," and when other covers bearing the same mark were not subject to the same rule. To add to these heavy losses, the application of the rule as it now stands, namely, the payment of a postage beyond Ganjam by the subscribers, has already lost me many, and will probably occasion me the loss of many more subscribers to the paper beyond that place, and thus subject me to a still further monthly loss during all the time that the contract may continue in force; as whether I dispatch my usual number of papers, or only one to a station under that presidency, the full amount of the monthly contract, including the postage from hence to Ganjam, must be paid by me. The loss has perhaps already equalled 5,000 rupees; but the far greater evil is, its breaking up and destroying entirely a system of uniformity, from which I had counted on certain permanent results in extending the circulation of the paper all over India, and in being thus enabled to obtain a remuneration at some future time for the risk and expense incurred to effect that object, the hope of which, if the Government still continue to give the contract its present interpretation, is thus entirely destroyed.

19. I am aware that governments cannot enter into the feelings of individuals, or take their private sufferings into account in their decisions on their public rights or wrongs; but when it is considered that by an unaccountably varying application of a rule from a certain branch of the Madras government towards myself, all the hopes that I had founded on what I had good grounds for conceiving a just interpretation of my contract with the Government here, namely, the extension of its authority to guarantee the free postage of letters or papers paid for here all over India, are overturned in that quarter, I shall, I hope, be forgiven at least for having felt very sensibly, however indiscreet I might have been in giving publicity to the expression of those feelings.

20. In communicating these changes, and the steps that had been taken by the Madras government to demand from my subscribers the postage on the journal from Ganjam, as well as the arrangement made by me to render it less inconvenient to them, by taking on my own hands all the present, and a still greater future loss, I simply stated that measures had been taken by the Madras government to impede its circulation, by which I meant the levying the postage on it while marked "full post paid;" and added my belief, that they would, no doubt, have formed a correct opinion as to the motives in which these measures had originated, leaving that entirely to their own construction. Neither in the statement of this fact, nor in the expression which follows it, can I therefore see anything which I could honestly express a sense of impropriety in having used.

21. In stating that my desire to extend the circulation of my paper rose in proportion to the obstacles opposed to it, I only gave utterance to a feeling which has actuated me from the first hour of my public labours up to the present; and in saying that discussions were to be met with in this paper on topics that were seldom touched on in other Indian prints, I mentioned a fact so notorious, that it would be the grossest violation of truth to deny it.

22. The next paragraph of my "Notice to Subscribers under the Madras Presidency," which speaks of the sacrifice I had determined to make, and calls the postage from Ganjam to Madras "a tax levied by order of the Madras government," contains nothing which in my estimation could offend, without a great misconstruction of its meaning. Of my own sacrifices, of course I may be at all times permitted to speak or to be silent; but when I spoke of "a tax," I meant simply the postage, and in saying it was "levied by order of the Madras government," I meant that it was actually charged on the Calcutta Journals, by some branch of that government, whether subordinate or otherwise, it was impossible for me to say, although the full postage of those papers had already been paid here. This is also a fact, which, as I could substantiate, it would be a dereliction of my duty to deny.

23. In saying that I was willing to incur a further voluntary sacrifice, or to give the paper gratis to the subscribers under the Madras presidency, for their patronage of free discussion, I acted only in conformity with the principles by which I have been constantly guided in my public labours; and in saying I hoped to see that free discussion made subservient to the great end of public good, for which alone it was granted to us, I think that I can have said nothing which this Government could ever wish me to retract.

24. The next paragraph in this "Notice" stated, that the measures of the Madras government (by which I wish to be distinctly understood as meaning that branch of it under whose cognizance this act came), in refusing to let the paper pass free beyond Ganjam, though marked "full post paid" here, had already occasioned me a considerable loss. This I could, if necessary, prove.

25. The close of the "Notice" says, "We trust that the dissemination of sound principles in politics, and free inquiry on all topics of great public interest, will meet no check by these means; but that the triumph of liberality over its opposite quality will be full and complete, whatever obstacles may be opposed to it, or in whatever quarter such opposition may originate."

26. In this I am free to declare, upon my honour, that by "these means," I mean simply by the check which the circulation of my paper had suffered by the levy of the additional postage; and I was vain enough to consider that sound principles and free inquiry were disseminated and encouraged by the circulation of that paper, which I could hardly be expected to express my contrition for having said. By the "triumph of liberality over its opposite quality," I meant the use of these terms as applied to principles as well as actions. I considered Lord Hastings' removal of the restrictions from the press to evince liberal principles; and I hoped that this would triumph over its opposite at Madras, as it has done recently at Bombay. I considered the consent of the Government here to an arrangement granting me the free circulation of my paper for a given sum, to be a liberal act; and I hoped that this would supersede an opposite practice at Madras, as it does in Bengal and at Bombay. Now, when I added a hope that this triumph would be "full and complete, in whatever quarter an opposition to it might originate," I meant no more than the words literally import, as I supposed that such opposition might as well arise in a subordinate as in a supreme authority. In all, therefore, I have advanced nothing that I did not honestly believe, and which does not still appear to me unobjectionable.

27. Thus far, however, I am free to confess, that no language of mine can sufficiently express either the depth or sincerity of my regret: first, that any act of mine, more particularly one which could be thought an abuse of the indulgence that his Excellency the Governor-general has extended towards the Indian press, should have incurred his displeasure; secondly, that so many misconceptions should have arisen with regard to the regulation of the postage between this place and Madras, and that anything which I should have said on this subject should have given offence to the Government here; and, lastly, that from the short period prescribed me for the preparation of the long details which I have felt myself bound to offer in explanation, I have not possessed time either calmly to review, soften, correct or alter anything that I have written, but must send it up immediately to the Government, with all its faults, fresh from the warm feelings which have dictated what my pen has thus hastily traced.

28. I may be permitted to add also, that those feelings have been considerably irritated and wounded by my learning, that short as the period is that has elapsed since the transmission of your letter to me, the news of the pointed displeasure of the Government having been officially notified to me, together with all the circumstances of the style and tone, so painful to the feelings even of an humble individual like myself, has been made generally known, and industriously circulated throughout Calcutta; and that, in addition to the injury which the report of my disgrace and anticipated ruin is of itself calculated to attach to my character and fortune, the aggravated misrepresentations respecting my offence, and your manner of noticing it, by those who are my enemies from mere difference of opinion on public grounds only, have already produced an effect from which I may not easily recover.

I have, &c.

(signed) J. S. Buckingham.

No. 3.—To W. B. Bayley, Esq., Chief Secretary to Government, &c. &c.

Sir,

Office of the Calcutta Journal, 22d January 1820.

CONCEIVING that the letter which I had the honour to forward you yesterday, and which was intended principally as an explanation to the Supreme Government of the remarks contained in the "Notice to Madras Subscribers" in the Calcutta Journal of the 11th instant, which had incurred their displeasure, might be too voluminous and too tedious in its details to forward to the government of Fort St. George, I have taken the liberty to hand you this more brief explanation, confining myself wholly to that portion of the notice which might be supposed to attract the immediate attention of the government of Madras.

2. From attested copies of an official correspondence between Mr. Sherson, the postmaster-general at Madras, and Mr. John Babington, collector at Calicut, who had applied for information on the subject of the postage of the Calcutta Journal from Madras to his station, I learn, first, that from the 1st September to the 25th of October 1819, the Calcutta Journal was allowed to go free from Calcutta to Madras, being marked "full post paid," without being subject to any postage whatever from Ganjam to that presidency; secondly, that from the 26th of October to the 26th of November, the Calcutta Journal was allowed to go *free all over the territories subject to the government of Fort St. George*, without any charge of postage whatever, either beyond Ganjam, Madras, or elsewhere, being still marked "full post paid;" and lastly, that from and after the 26th of November, the passage of the Calcutta Journal through the Madras territories was made subject to a postage from Ganjam onwards, though still marked "full post paid" as before, and without any variation in the terms of my contract with the Supreme Government here, or, in short, any other alteration which could seemingly warrant a deviation from the established practice that had been applied to my own paper for a period of two months, and is still applied to all other covers all over India, namely, the suffering them to pass free to their destinations when the postage is paid into the office in which they were first deposited and when marked "full post paid," by the stamp of the post-office from which they are first dispatched.

3. In consequence of these changes from a system acknowledged and acted upon for a certain period, by all the postmasters in the Madras territory, I have been subjected to a very heavy loss in the following manner: first, by the payment of the contract sum here, which included the full postage of my papers to their ultimate places of address; secondly, by being called on to refund to my subscribers the sums they had paid for postage from Ganjam to their stations, amounting, in many cases, to much more than the charge for the paper itself, thereby occasioning me to pay a large balance to my subscribers, instead of receiving money from them; thirdly, by the return of all the papers so charged with extra postage, from those who declined taking them on that account, subjecting me to the additional postage all the way back also; and lastly, by the entire destruction of a system of uniform price all over India, from which I was beginning to be remunerated for the great risk and expense at which I had been to effect this arrangement, on the faith of the Government here, and the interpretation of its contract with me by the late postmaster-general of this presidency, which this new levy of postage has entirely destroyed, by having lost me many, and threatening the loss of all the remainder of my subscribers throughout the whole of the southern provinces of India. The actual loss from all these causes had been already about 5,000 rupees, and the prospective loss of what might reasonably have been expected from that quarter, where the paper was every day gaining new subscribers, may without exaggeration be thought equal to 20,000 rupees a year.

4. In communicating these changes, and adverting to the losses that I had sustained thereby, I deemed it my duty to make known to my subscribers in the Madras territories, that such changes had been occasioned by the Madras government, but I indicated this only inasmuch as I considered the details of its subordinate branches subject to its authority, as I naturally supposed that of the post-office to be. In using these terms, therefore, I meant to be distinctly understood as speaking of that particular branch of it under whose immediate cognizance this act came: my object in stating this was, in order to exonerate myself from the charge of a breach of faith, as I had publicly pledged myself to guarantee the supply of the paper at 20 rupees per month, all charges included; and on the faith of the postmaster-general's agreement with me here, and his receipt of the actual postage on them from my hands, had as publicly stated for a period of three months at the head of every paper published, that the Calcutta Journal would pass free of postage throughout all the British territories in India, which this demand of a postage in the Madras territories alone prevented my fulfilling.

5. I beg to repeat here the expression of my regret at the many apparent misconceptions in the post-office departments of both these presidencies, which have occasioned me such serious and irreparable loss, and which rendered a public explanation of them necessary, as well as a still greater regret that anything I should have said on this subject should have given pain to his Excellency the Governor-general in Council, or to any branch of the Honourable Company's Government in India; my principal object in the notice to subscribers under the Madras presidency having been to apprise them of the arrangements which I had made to counteract an evil from which we had both experienced very serious loss and inconvenience.

I have, &c.

(signed) J. S. Buckingham.

No. 4.—To Mr. J. S. Buckingham.

Sir,

General Department, 27th January 1820.

1. I AM directed by his Excellency the most noble the Governor-general in Council to acknowledge the receipt of two letters from you, dated the 16th* and 22d instant.

* Received on the 18th.

Ditto on the 25th.

2. His Lordship in Council does not consider it to be necessary to enter into any detailed examination of the remarks which you have submitted to Government; but with reference to the observations contained in paragraphs 9 to 19 of your letter of the 16th instant, inclusive, he directs me to state that many of the supposed grounds of grievance adverted to in those paragraphs appear to rest on no solid foundation.

3. The conveyance of the Calcutta Journal free of nominal postage as far as Madras, was indeed contemplated in the calculations which formed the basis of your contract with Mr. Hall; in sanctioning that course of procedure, however, Mr. Hall did not sufficiently attend to the spirit of the instructions issued for his guidance.

4. The Governor-general in Council is aware that letters and packets have been and are occasionally conveyed to Madras (free of further demand) on the payment at the post-offices under this presidency of the full postage to that place, and that in like manner letters and packets on which full postage has been paid at the post-offices under the Madras presidency have been and are occasionally conveyed to Calcutta, without any further demand for postage being made at this place.

5. The general rule, however, was to charge the postage on letters and packets destined to Madras, as far as Ganjam only; and the knowledge of this circumstance should have restricted Mr. Hall from admitting into a formal contract any provision by which the post-office revenues of another presidency were liable to be materially affected.

6. On the receipt of your letter of the 13th ultimo, addressed to the acting postmaster-general, complaining of the pecuniary loss to which you were subjected under the intimation communicated to you in Mr. Secretary Lushington's letter of the 26th November last, measures were immediately adopted by this Government to amend the terms of the engagement; and the following orders, founded on your own application, were issued to the acting postmaster-general on the 17th ultimo:

"The engagement concluded with Mr. Buckingham having been framed at the general post-office, under a misconception of the orders of Government, I am directed to desire that that portion of the agreement which included the dispatch of his papers to the stations under the authority of the governments of Fort St. George, Bombay and Ceylon may be rescinded, and that a new agreement, limiting the contract to the stations to which the post-office regulations of this presidency only extend, may be taken from that gentleman: a proportionate deduction will of course be made from the estimate on which the engagement was originally founded."

7. The Governor-general in Council concludes that a retrospective effect has been given to this arrangement, so as to include the whole period during which the postage payable for the conveyance of your journals from Ganjam to Madras was levied at the latter place.

8. So far, therefore, the injury which you had sustained from the misconception by Mr. Hall of the orders of this Government was duly remedied; and with regard to the collection of postage on the Calcutta Journals destined to stations beyond Madras, and subordinate to that presidency, it appears to the Governor-general in Council that you have no just cause whatever of complaint.

9. It is understood that full postage has never been received at the post-office here for the conveyance of letters or packages to stations beyond Madras, subordinate to that presidency, and that in like manner full postage is not receivable at Madras for the conveyance of letters and packets to stations beyond Calcutta, subordinate to this presidency; the rates of postage from presidency to presidency are known; but the post-office here (and *vice versa*) has no means of ascertaining what should be charged to detached stations within the territories of other presidencies.

10. The amount of the postage leviable on packets dispatched to subordinate stations under the presidency of Madras, does not appear to have been adverted to in the estimates forming the basis of the calculation on which your contract was framed, nor did any usage exist by which the post-office here would have been justified in receiving full postage for packets destined to stations beyond Madras. It is obvious also, that if the regular postage ordinarily payable on packets destined to stations subordinate to that presidency had not been levied on the Calcutta Journals, the post-office there would have been subjected to a loss of revenue, which it was the evident duty of the Madras government to prevent, and for which no equivalent had been provided in the calculations forming the basis of the contract entered into with you at this presidency.

11. But even if the circumstances alleged in your letters, and the inferences drawn from them, were admitted to their full extent, they would furnish no justification for the publication of the remarks contained in the Calcutta Journal of the 11th instant.

12. Those remarks would still be in obvious violation of the spirit of the rules issued in August 1818, for the guidance of the editors of newspapers, which rules, as you must be well aware, have not been rescinded or modified.

13. That your attention to those rules has not been more strictly enforced may be a subject of just blame to the officer whose duty it more especially was to bring to the notice of Government any flagrant violations of those rules; but with every allowance which can be made in your favour, from a consideration whether of this circumstance or of the misconception which the late postmaster-general was led to put on the orders of Government, or of the disappointment which you may have experienced, and of the consequent irritation of feeling towards the supposed authors of that disappointment, his Lordship in Council thinks it indispensably requisite that a public acknowledgment should be made in the manner pointed out in my letter of the 12th instant. It is not his Lordship's desire that the acknowledgment should be worded in the terms which he would have judged necessary previously to the consideration of your letters, but he expects from you an early expression in the Calcutta Journal of your regret at having published observations so carelessly worded as to bear the appearance of disrespectful animadversion on the government of Madras. His Lordship in Council is led to infer that you had no real intention of offering such disrespect, from the perusal of an article in your paper of the 14th instant, recently brought to his notice, and that persuasion has principally influenced the tenor of the present communication. The date of that publication, which was anterior to my first letter, proves the sincerity of the explanation given in your second letter to me.

14. It is with regret that his Lordship in Council has felt it necessary, on public grounds, to take any official notice of the observations in question.

15. The rules framed for the guidance of the editors of newspapers, when they were relieved from the necessity of submitting the papers to the revision of an officer of Government, were in themselves so reasonable and so obviously suitable to the circumstances of this Government, and to the state of society here, as to warrant the expectation of their general spirit being observed, even if they had not been officially prescribed.

16. Independently of other injurious consequences to which an injudicious or perverted use of the discretion vested in the editors of newspapers may lead, it has a manifest tendency to raise a question as to the expediency of the liberal measures sanctioned by Government with regard to the press, and to lead to the revival of those restrictions which common prudence on the part of the editors would render altogether unnecessary.

I am, &c.

(signed) W. B. Bayley,
Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 5th May 1820.

No. 2.—To the Editor of the Calcutta Journal.

Sir,

20th April 1820.

I AM directed by his Excellency the most noble the Governor-general in Council, to require you to state, for the information of Government, the name and address of the writer of a letter which was published in the Calcutta Journal of the 29th February last, on the subject of the pay of the troops on the Madras establishment, it appearing that he had furnished you with those particulars, to answer any eventual call.

(signed) W. B. Bayley,
Chief Secretary to Government.

No. 3.—Editor Calcutta Journal to W. B. Bayley, Esq., Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 21st instant, and, in reply thereto, beg to say, that having been furnished by the writer of the letter on military pay therein alluded to, with his name and address, for the purpose publicly stated of meeting any inquiries to which it might lead, and having every reason to hope that benefit to the State may thus be produced, without detriment to the interests of any individual, I have great pleasure in complying with the requisition of Government, and stating to you for their information, that the writer of the letter on military pay, published in the Calcutta Journal of the 29th February last, is Lieutenant J. Smith, of the 2d Madras Light Cavalry, Jaulnah.

I have, &c.

Calcutta, }
24 April 1820.

(signed) J. S. Buckingham.

EXTRACT BENGAL CONSULTATIONS, 17th November 1820.

No. 5.—From Mr. J. S. Buckingham, Editor of the Calcutta Journal.

My Lord,

Calcutta, 16th November 1820.

I FEEL embarrassment in addressing you on the subject of my present intrusion, but your Lordship's constant readiness to listen to those who feel themselves hardly used, and the pleasure you experience in redressing grievances, encourage me.

In the course of yesterday I received intimation, through Mr. Poe, that a motion was made in the Supreme Court, by Mr. Spankie, for a rule to show cause why a criminal information should not be filed against me, as editor of the Calcutta Journal, for the publication of a letter on "Merit and Interest," signed "Amulæ," and inserted in the paper of the 6th instant.

I had so fully explained the grounds on which this letter was published, and had myself taken such pains to expose its utter groundlessness as well as absurdity, in the paper of the very next day but one (the 8th instant), and had followed up the confutation of the sentiments it advocated in the papers of the 8th, 9th, 13th and 15th (*all of which were published before I had the slightest intimation of its being likely to excite either displeasure or inquiry, and were therefore spontaneous and uncalled-for*), that my surprise at being served with this notice was extreme, and I could only account for it by supposing the prosecution to originate in an incomplete and hurried view of the *first part* of the subject, without reference to, or even knowledge of, what had so very immediately succeeded. The manner in which the notice was worded did not make it appear that the Government were the prosecutors in the case; so that I yielded the more readily to my first impressions of its being done at the instigation of persons interested in concealing from your Lordship the whole truth.

On consulting with my legal adviser, Mr. Fergusson; and putting these subsequent papers into his hands, he gave me to understand that although Government were not named in court as prosecutors, yet from its being undertaken by their Advocate-general, there was no doubt but that he acted under authority. On reading the subsequent papers referred to, however, and particularly that of the 8th instant, Mr. Fergusson's view of the case was much altered, and he conceived it highly probable that the *whole* of the case, including these subsequent explanations, had not been brought distinctly to the notice of your Lordship in Council. I readily indulged that hope, from the conviction that had the *whole* of the papers been laid before you, it would have convinced your Lordship how utterly powerless, and incapable of producing the slightest ill effect, was the letter of Amulæ, which now forms the subject of prosecution, and which, without any other aid, had through the press itself, and mainly too by my own exertions, in the space of only two days, brought shame and confusion on its author, and given a triumph of the proudest kind to those principles and that distribution of favour by which your Lordship's administration has been felt to be distinguished, and so acknowledged by none more disinterestedly, warmly or frequently, than by the Calcutta Journal.

Should this information be filed (as it will be almost impossible to escape coming within the strict legal definition of libel, though nothing could have been more remote from my meaning), I may be subjected to a fine of 500*l.* and 12 months' imprisonment for a crime in which, if it be one, I am so far from participating, that I have been the most active agent in endeavouring to counteract and expose the miserable calumny which I am accused of propagating with seditious intent.

In a case like this, I do not wish to touch the ready chord of your Lordship's benevolence, I rather appeal to those clear conceptions of equity which distinguish your decisions in revising those of other tribunals; and I feel confident that the result of your Lordship's consideration of the *whole bearings* of the case (the prosecution for which must be surely founded on a hasty and partial view), will be a conviction of the cruelty and hardship of my being exposed to the scorn of the envious and illiberal, and suffering fine, imprisonment, and probably ruin, for the *imprudence*, at most, of publishing the sentiments of another, needing only to be seen to be confuted; which sentiments, at the very moment of their publication, I can aver, were intended to be written down by me, as I have a hundred times written them down before, which were almost immediately shown to be utterly untenable, and which have drawn forth one of the most striking confirmations that has yet occurred in India of those sentiments, as true as they are beautiful, which your Lordship proudly avowed to the world on the subject of a free press. "It is salutary for supreme authority, even when its intentions are most pure, to look to the control of public scrutiny. While conscious of rectitude, that authority can lose nothing of its strength by its exposure to general comment; on the contrary, it acquires incalculable addition of force." I may venture, without fear of contradiction, to affirm, that since the utterance of those lofty sentiments, which could emanate only from conscious integrity and strength, no instance has occurred to illustrate their truth so strikingly as the whole bearings of this correspondence; for the publication of which I have imprisonment, penury,

and the scoffs and scorn of the multitude hanging over my head, unless your Lordship in Council shall please to call for the whole correspondence to which this obnoxious letter gave rise, and to direct further proceedings to be stayed.

Had I arrayed my Journal habitually and systematically against the measures of your Lordship's administration, I should feel myself degraded and humbled in thus appealing to your Lordship to withhold the powerful arm of Government from crushing or involving me, at the least, in unequal and ruinous expense. But there is not a member of your Lordship's Government who does not know that my sentiments have been invariably those of admiration and praise, and that I have never failed, because I have thought the praise honestly merited, to hold up its system of administering this great empire to public view as an example of purity and excellence, without a parallel perhaps in any country of the globe. I feel, therefore, that I may, without disgrace or degradation, appeal for my past efforts and to the whole tenor of my writings for the proof of my entire innocence of the malicious and seditious motives imputed to me; and that on this ground I may, with some hope, claim the forbearance, or at least the consideration of Government as to the probable infliction of a disproportionately severe punishment for a mere imprudence, the evil of which had been more than averted and atoned for by the subsequent efforts made to counteract it.

I rely on the impartial justice of your Lordship and the members of Council to review the case divested of its technical liabilities, and on the score of its moral turpitude and political consequences rather than its literal guilt. If my representation be unavailing, I shall still consider it my bounden duty to show the court and jury, from the general tenor of my labours, and the independent character of my Journal, that there was not, and could not have been, on this occasion, that *malus animus* which is the characteristic of a malignant and seditious libeller.

I have, &c.

(signed) J. S. Buckingham

No. 6.—From Mr. Chief Secretary Bayley to Mr. J. S. Buckingham, Editor of the Calcutta Journal.

Sir,

17th November 1820.

Your letter of yesterday's date, to the address of his Excellency the most noble the Marquis of Hastings, having been brought under the consideration of Government, I have been directed to apprise you that his Lordship in Council sees no reason for staying the proceedings which have been commenced against you in the Supreme Court.

I am, &c.

Council-chamber, }
17 November 1820. }

(signed) W. B. Bayley,
Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 8th December 1820.

THE following Correspondence between the Chief Secretary and the Editor of the Journal is ordered to be recorded.

No. 1.—To Mr. J. S. Buckingham, Editor of the Calcutta Journal.

Sir,

His Excellency the most noble the Governor-general in Council has observed in the Calcutta Journal of this day's date, a letter under the head of "Military Monopoly," and signed "A Young Officer;" his Lordship in Council considers the tenor of that letter to be highly objectionable; and he has in consequence directed me to call upon you to state, for the information of Government, the name, designation and residence of the individual by whom that letter was communicated to you for publication.

I am, &c.

Council-chamber, }
3 November 1820. }

(signed) W. B. Bayley,
Chief Secretary to Government.

No. 2.—Mr. *J. S. Buckingham*, Editor *Calcutta Journal*, to *W. B. Bayley*, Esq., Chief Secretary to Government.

Sir,

I REGRET my inability to comply with the demand made on me in your letter of the 3d instant, by direction of his Excellency the most noble the Governor-general in Council, to state for the information of Government the name of the writer who communicated the letter signed "A Young Officer," and published in the *Calcutta Journal* of that date.

Notwithstanding my present inability to comply with your demand, I have every wish to be enabled to do so, and have accordingly taken steps to obtain the name of the writer, when I hope I shall have no difficulty in obtaining his permission to deliver it up to you, and when I shall accordingly have the honour of addressing you again on this subject.

I have, &c.

Calcutta,
6 November 1820. }

(signed) *J. S. Buckingham.*

No. 3.—To *W. B. Bayley*, Esq., Chief Secretary to Government, &c. &c.

Sir,

I HAVE the honour to inform you, for the information of his Excellency the most noble the Governor-general in Council, that I have this day received a letter from Lieutenant Edward Fell, of the 2d battalion 10th regiment, native infantry, Benares, authorizing me to communicate his name as the author of the letter on "Military Monopoly," published in the *Calcutta Journal* of the 3d of November, and noticed by his Excellency in your letter to me of the same date.

I have, &c.

Calcutta, 4 December 1820.

(signed) *J. S. Buckingham.*

EXTRACT BENGAL CONSULTATIONS, 13th January 1821.

THE following Correspondence received from the Chief Secretary's office is ordered to be here recorded.

No. 16.—To Mr. *J. S. Buckingham.*

Sir,

THE Council having had the honour to receive from Lord Hastings a communication of your letter to his Lordship upon the subject of a prosecution for a libel instituted against you by the Government, and of his Lordship's sentiments upon your said letter, I am authorized to inform you that the prosecution will be waived upon the following conditions:

1st. That you instruct your counsel to let the motion which has been made in the Supreme Court by the Advocate-general for an information against you, pass without opposition.

2d. That you address to the most noble the Governor-general in Council an apology, comprehending in distinct and unequivocal terms the professions contained in your said letter to his Lordship, for the purpose of the same being read in court by the Advocate-general, as the ground of the instructions to that officer to drop the prosecution.

I am, &c.

(signed) *W. B. Bayley,*

2 January 1821.

Chief Secretary to Government.

No. 17.—Mr. *J. S. Buckingham* to *W. B. Bayley*, Esq., Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 2d instant, and in reply to its contents beg to enclose a letter addressed to the most noble the Governor-general in Council, comprehending distinctly the professions expressed in my letter to the Marquess of Hastings, to be laid before the Supreme Council, in conformity to the tenor of your letter addressed to me.

I have, &c.

Calcutta, 4 January 1821.

(signed) *J. S. Buckingham.*

No. 18.—To the Most Noble the Governor-general in Council, &c. &c.

My Lord,

IN addressing your Lordship in Council on the subject of the pending prosecution instituted against me for the publication of a letter signed "Amulæs," in the Calcutta Journal of the 6th November 1820, it can hardly be necessary for me to state how foreign to my own sentiments are those entertained by the writer of the letter in question. The opinions I have maintained on the subject of your Lordship's administration, and on the high character of the present Government of India for integrity and justice, must be fresh in the recollection of all its members, and their sincerity, I would hope, cannot be doubted.

In giving insertion to the letter signed "Amulæs," I am free to confess that I did not attach the importance to it which subsequent consideration has shown me I should have done, and that in suffering it to appear in my paper, I became legally responsible for all the consequences which might have arisen therefrom. Of my freedom, however, from all malicious intentions in this act, I hope your Lordship in Council can have no doubt. I do not offer this as a justification, but as a ground of hope, that your Lordship in Council will regard it in its true light, not as an act done with any evil intent, but inadvertently and without due deliberation.

Under these circumstances, I indulge a hope that the legal proceedings about to be instituted against me for the publication of a letter, the sentiments of which were as obnoxious to me as to any individual of your Lordship's Council, may be waived; and that I may be spared the pain of being represented as a libeller of that Government of which I have so warmly and so frequently expressed my admiration, since I have had to participate in the common happiness of those who live under its protection.

Calcutta, 4 January 1821.

I have, &c.
(signed) J. S. Buckingham.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 3d August 1821.

To Mr. J. S. Buckingham, Editor of the Calcutta Journal.

Sir,

THE letter which was inserted in the Calcutta Journal of the 10th instant, under the signature of "A Churchman, and the Friend of a Lady on her Death-bed," appearing to contain insinuations extremely disrespectful to the public character of the Lord Bishop of Calcutta, the most noble the Governor-general in Council has directed me to call upon you to state, for the information of Government, the name, designation and residence of the individual by whom that letter was communicated to you for publication.

Council-chamber, }
14 July 1821. }

I am, &c.
(signed) W. B. Bayley,
Chief Secretary to Government.

No. 5.—Editor of the Calcutta Journal to W. B. Bayley, Esq., Chief Secretary to Government, &c. &c.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 14th instant, and to state, that the author of the letter therein named being unknown to me, I am unable to furnish the information you require. At the same time I beg leave respectfully to submit, for the consideration of the most noble the Governor-general in Council, that I published the letter in question under a conviction that a temperate and modest discussion of the inconveniences likely to arise from a want of local control, in certain points, over military chaplains, might be productive of public benefit, without infringing on the respect due to the public character of the Lord Bishop of Calcutta.

Calcutta, 16 July 1821.

I have, &c.
(signed) J. S. Buckingham.

No. 6.—To Mr. J. S. Buckingham, Editor of the Calcutta Journal.

Sir,

YOUR answer of the 16th instant to the letter which you received from me, respecting a complaint made to Government by the Lord Bishop of Calcutta, has been laid before his Excellency in Council, and I am directed to communicate to you the light in which your explanation is viewed.

2. It was to have been hoped that, when your attention was called to the nature of the publication in question, you would have felt regret at not having perceived its tendency, and that you would have expressed concern at having unwarily given circulation to a statement which advanced the invidious supposition that the Bishop might have allowed to the chaplains a latitude for deserting their clerical duties, and disregarding the claims of humanity.

3. Instead of manifesting any such sentiment, you defend your procedure by professing that you "published the letter under the conviction that a temperate and modest discussion of the inconveniences likely to arise from a want of local control, in certain points, over military chaplains, might be productive of public benefit."

4. It is a gross prostitution of terms to represent as a temperate and modest discussion an anonymous crimination of an individual, involving at the same time an insinuated charge, not the less offensive for being hypothetically put, that his superior might have countenanced the delinquency.

5. On mere presumption, if not with intentional disguise of a known fact, the statement would give it to be understood, that the misconduct alluded to was unchecked; whereas serious notice of the transgression was instantly taken: therefore, there is not only a groundless imputation on the Bishop, but the culpable inattention of Government is falsely implied.

6. Had the object of the writer of the letter been to remedy an inconvenience, his addressing himself to the proper department was the ready and legitimate course for procuring an immediate correction of the evil. An accuser's concealment of his name has an obvious meanness in it, which ought to throw doubt upon the motives of his representation; when to that circumstance was added the peculiarity of the signature, "A Friend to a Lady on her Death-bed," adopted visibly to suggest to the minds of the public some brutal slight, the malignity of the disposition was unquestionable.

7. With those particulars before your eyes, and in contempt of former warnings, you did not hesitate to insert in your journal such a statement from a person of whom you declare yourself to be utterly ignorant, and of whose veracity you consequently could form no opinion. Your defence for so doing is not rested on the merits of the special case. But as your agreement must embrace all publications of a corresponding nature, you insist on your right of making your journal the channel for that species of indirect attack upon character in all instances of a parallel nature.

8. When certain irksome restraints, which had long existed upon the press in Bengal, were withdrawn, the prospect was indulged that the diffusion of various information, with the able comments which it would call forth, might be extensively useful to all classes of our countrymen in public employment. A paper conducted with temper and ability on the principles professed by you at the outset of your undertaking, was eminently calculated to forward this view. The just expectations of Government have not been answered. Whatsoever advantages have been attained, they have been overbalanced by the mischief of acrimonious dissensions spread through the medium of your journal. Complaint upon complaint is constantly harassing Government regarding the impeachment which your loose publications cause to be inferred against individuals. As far as could be reconciled with duty, Government has endeavoured to shut its eyes on what it wished to consider thoughtless aberrations, though perfectly sensible of the practicable objection which attends those irregular appeals to the public. Even if the matter submitted be correct, the public can afford no relief, while a communication to the constituted authorities would effect sure redress; yet the idleness of a recurrence to a wrong quarter is not all that is reprehensible, for that recurrence is to furnish the dishonest conclusion of sloth or indifference in those bound to watch over such points of the general interest. Still, the Government wished to overlook minor editorial inaccuracies. The subject has a different complexion when you, Sir, stand forth to vindicate the principle of such appeals, whatsoever slander upon individuals they may involve, and when you maintain the privilege of lending yourself to be the instrument of any unknown calumniator. Government will not tolerate so mischievous an abuse. It would be with undissembled regret that the Governor-general in Council should find himself constrained to exercise the chastening power vested in him; nevertheless he will not shrink from its exertion where he may be conscientiously satisfied that the preservation of decency and the comfort of society require it to be applied. I am, thence, Sir, instructed to give you this intimation: Should Government observe that you persevere in acting on the principle which you have now asserted, there will be no previous discussion of any case in which you may be judged to have violated those laws of moral candour and essential justice which are equally binding on all descriptions in the community; you will at once be apprized that your licence to reside in India is annulled; and you will be required to furnish security for your quitting the country by the earliest convenient opportunity.

I am, &c.

Council-chamber, }
17 July 1821. }

(signed) W. B. Bayley,
Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 10th August 1821.

No. 37.—Editor of the Calcutta Journal to W. B. Bayley, Esq., Chief Secretary to Government, &c. &c.

Sir,

1. I SHOULD have acknowledged at an earlier period the receipt of your public letter which you did me the honour to address to me on the 17th instant, but without intending to depart from the respect due to the sentiments of Government, I have waited until the first impression of extreme pain, which their displeasure has created, had in some degree subsided, before I ventured on the task of disavowing at least in the most earnest manner, the highly reprehensible and almost criminal motives which your letter imputes to me, though I might fail in the attempt to convince you that such charges are undeserved.

2. I cannot but perceive from the whole tenor of your letter, that the most unfavourable impressions have been excited against me, on the ground of my being supposed to maintain the privilege of lending myself as the instrument of any unknown calumniator. Such a right or privilege I must beg of you to assure the Governor-general in Council I most strongly disown and disavow, and I must add, with every respect, that it was with the utmost surprise and pain that I found such an idea strained from the short letter I addressed to you on the 16th. Feeling, however, as I now do, the difficulties by which I am surrounded, I am induced to take the only opportunity which may ever be allowed me, to lay before the Government my defence against these heavy and general accusations. My respect for that Government has been too frequently testified to render any repetition of that feeling necessary at the present moment. I venture to hope, however, that it will not be deemed a departure from that respect for me to put in my defence before that high tribunal, any more than a defendant would be considered wanting in respect or humility by temperately supporting his plea before the judges of the Supreme Court; and though my appeal may seem tedious, yet I shall rely on the well known justice of the Government for a patient attention to what I may have to urge on my behalf.

3. As your first letter spoke of the publication of the 10th as *appearing* to convey insinuations of disrespect towards the Lord Bishop, I hoped that such an appearance would be effectually removed by my disavowing such intention. The writer indeed expressly states, that he believed the rumour of the Lord Bishop's lending chaplains, independent of local control, to have been erroneous; and however the letter might have been intended to convey a censure on the chaplain alluded to, I was then of opinion, and after a most careful re-perusal of the letter, still continue to believe, that the writer meant no disrespect whatever to the character or authority of the Lord Bishop, by alluding to a rumour which he deemed erroneous, chiefly because he thought the power said to have been given by his Lordship to chaplains would be misplaced, and therefore not likely to be granted by him. I may be pardoned, I hope, for adding, that a disrespect towards the Lord Bishop is not the natural or obvious inference from the publication in question; for not one of those watchful censors on my conduct, who are always ready to assail me for any error or unguarded step through the press, and to magnify my faults, have attributed to it such a meaning. Had I indeed been made acquainted by your first letter with the fact of the Lord Bishop having actually complained of the publication in question, as conveying to his mind a want of proper respect for his public character, my reply to it would certainly have contained an expression of regret at having given pain to his Lordship, and an endeavour also to convince you that such an impression was not warranted by the tenor of the publication, nor meant to be conveyed by me, who have certainly never yet had any reason to be wanting in respect either to his Lordship's public or private character. I may on an occasion like this state, as an illustration of my sincerity in this profession, and in defence also of the much abused Calcutta Journal, that in it, and I believe in it only, will be found a full reply to some very severe and illiberal remarks on the college which his Lordship has lately founded here; and which remarks, being published in the Asiatic Journal, by the Honourable Company's booksellers, had a very wide circulation among persons connected with India, both here and at home. But as your letter spoke only of the publication appearing to contain insinuations of disrespect, I thought it would be sufficient to explain my real motives in publishing it, as having no such tendency; and it was not so much to defend my doing so, as to explain the views with which I was actuated, and to endeavour to remove the unfavourable impression which it appeared to me had been hastily drawn, that my first reply was written.

4. It is with much pain that I perceive what I considered to be a temperate and modest discussion of a question of expediency viewed in so harsh and unfavourable a light by the Government; and that the very language in which that is expressed is objected to as "a gross prostitution of terms." As, however, the fact of the chaplain's absence from his duties, and of his absence without necessity, is admitted, the publication could not be considered an unfounded crimination of an individual; and so far was it from involving an insinuated charge of a superior having countenanced the delinquency, that the very rumour of its being with the Bishop's permission that the chaplain absented himself, was expressly stated to be erroneous in the writer's belief; while the expediency of some control, the only question agitated, appears to be acquiesced in by the Lord Bishop and the Government; thereby confirming the propriety of the suggestion which the writer made. The transgression being admitted to have been such as to have called forth the serious and instant notice of the Bishop, is at once a proof of its being founded on something more than

than mere presumption, and highly reprehensible. But there is no part of the publication in which I can perceive the most distant allusion to any supposed inattention or indifference to the delinquency either on the part of the Lord Bishop or of the Government: though published here on the 10th of July, it was written by its author on the 10th of June, at which time, probably, the notice of his superior had not been drawn to the transgression, though his displeasure at it has been subsequently conveyed. Of this, however, until communicated in your letter to me, I was certainly ignorant, and the writer was no doubt equally so. His sole object appeared to me to be a hope of remedying or preventing the future recurrence of the evil of which he complained, which he might conceive would be most effectually done by drawing to it the attention of the proper authorities, in discussing the question of its expediency through the medium of a public journal. The utmost inference which, I conceive, could with justice be drawn from such a discussion against the Lord Bishop of Calcutta would be this, that even if his Lordship were believed to have urged the removal of an old and salutary restraint, which left the military chaplains in some degree under the control of the local authorities (which, however, the writer thought erroneously reported), still it would only follow that it had not been foreseen by his Lordship, that in practice serious injury and distress to individuals might arise from the want of this check, and that such distress had in fact actually arisen therefrom. But this is only stating, that in estimating the result of a certain regulation, his Lordship, with all his benevolent disposition and all his foresight, is not infallible; an opinion which, I presume, might be safely expressed of any individual, however exalted his rank or station, and of any government, however pure and excellent, without at all conveying insinuations of disrespect towards the high character of either.

5. With regard to what is said of the inference arising from the signature attached to the publication, I regret that I am obliged still to dissent respectfully from the conclusion you have drawn. To my mind, and to the minds of many other persons who read it, the signature conveyed an impression that the writer stated himself to be "A Churchman," expressly to prevent the reader entertaining any idea of his meaning being a disrespect either to religion or to religious authority, by his questioning the expediency of a certain measure emanating from that source. His adding that he was "the friend of a lady on her death-bed," was interpreted by me and others in the same favourable manner, as at once a pledge for the purity of the motive and the accuracy of the statement; as no man placed in that tender yet awful relationship to another, could be supposed to be imbued with malignity of disposition, nor indeed with any other feelings than those of extreme grief. Under the affliction with which the writer may have watched the last moments of a beloved and expiring friend, he might well be supposed to regret deeply the neglect which had led to her being deprived of those consolations that the religious mind values so highly; and so far from any malignity of disposition urging him to address me, I have no doubt but that his attention was wholly occupied by a concern for the fate of the lady in question, and a desire to secure to others those consolations of which she had been unhappily deprived. My keeping this communication a whole month in my possession before it was published, is a sufficient proof of my not having any particular propensity to gratify by giving it to the world, and my having announced it for publication ten days before its appearance in the Journal of the 10th, may be thought a further corroboration of my not deeming it in the slightest degree objectionable. As it did not convey any specific fact, applying distinctly to time, place or person, in such a way as to affix an imputation on any individual, unless, indeed, the facts were true, I did not demand the author's name; and his motives for its concealment are easily conceived, when, as in the present instance, where the facts are apparently admitted to be accurate, and the object of the writer's censure is said to have been reproved for his transgression, yet the person who first brings the subject to notice is exposed to blame.

6. The concluding portion of your letter, involving the whole question of the footing on which the Indian press is to remain, has given me, and will give, I am sure, all the friends of its freedom considerable pain, because it apparently reduces the freedom of opinion to a more perilous, inasmuch as it is a more uncertain, state than it was under the existence of the censorship. It might be thought irrelevant, perhaps, for me to refer to your former correspondence with me on this subject; but as great stress is laid on my having acted in contempt of repeated warnings, I may be permitted, I hope, briefly to advert to these. The first complaint urged against me was for intemperate observations on the Governor of Madras, as being in violation of the rules issued to editors when the censorship of the press was removed. My attention having been thus for the first time called to these regulations, which were issued before I arrived in Bengal, and were never communicated to me officially, I readily promised a compliance with them, and up to the period of Lord Hastings' reply to the address from Madras, I may safely say that I made them my principal guide. The liberal views taken of the nature and importance of the Indian press by his Lordship on that occasion, induced me, with many others, to believe the restrictions of 1818 were abrogated and removed, and to consider the press here as subject only to the restraints of law, as at home. In consequence of this error of judgment, I was induced to express myself more freely than I should otherwise have done on the conduct of the Madras government, in interrupting the free passage of my paper through its territories, though guaranteed by the postmaster-general here; but the explanations which I had then the honour to address through you to the Governor-general in Council were sufficient to induce his Lordship to waive the apology at first demanded of me. As my alleged offence,

however, on that occasion was not noticed as a breach of law, but of the restrictions still in force on the press, the impression left by this proceeding was, that the Indian press was henceforth to be subject to the joint control of the law of libel, in itself sufficiently severe, and the specific regulations in question, which supplied certain prohibitions that the law of libel was supposed inadequate to embrace. This joint control was supposed to be the utmost extent of the power intended to be exercised over the Indian press; and any publication that was neither contrary to the laws of England nor to any of the restrictions on the Indian press prescribed to supply their deficiencies, it was fair to presume would pass unnoticed. The very act of my being proceeded against in the Supreme Court by a criminal information, in the month of January last, confirmed me in my opinion that the law was to be, however, the chief guardian against any future abuse of the press; and the conversation which is stated to have passed between Mr. Lambton and Mr. Bathurst on the freedom of the press in India, convinced me that the views entertained by the Board of Control and Government at home corresponded to those professed and acted upon here. My surprise and regret were therefore extreme, on learning, that for a publication which I conscientiously believed to be neither contrary to the laws nor in violation of regulations issued to supply the deficiencies, I was again accused of having given such grave and serious offence to the Government, as to induce them to convey through you the strongest expressions of their displeasure. I must now, I fear, consider your letter of the 17th as establishing a new criterion, in lieu of the former more safe, because more clearly defined, guides for publication.

7. In this letter it is stated that when certain irksome restraints, which had long existed on the Indian press in Bengal, were withdrawn, the prospect was indulged that the diffusion of various information, with the able comments which it would call forth, would be extremely useful to all classes of our countrymen in public employment. The utmost latitude of discussion on subjects of literature and science, or even of English and foreign politics, could have effected nothing, however, towards fulfilling this desirable end. The only subjects of discussion, from the free exercise of which men in public employment in India might hope to be informed and assisted in the correct discharge of the public duties, must be those relating to the civil, military, and judicial administration of this country. In no other sense, indeed, can the freedom of the press be more desirable than the censorship for which it was substituted as an improvement, except that the former admits of the beneficial exercise of that public scrutiny, to the control of which his Lordship has so truly stated it is salutary for Government to look even when its motives of action are most pure. The letter on the duties of chaplains, and the proposal of the question as to the expediency of their being subject to local control, appeared to me to be exactly one of those cases contemplated by the Government, from the comments on which public men might be benefited, a case in which the facts were well founded, but which, from a reluctance even in the aggrieved parties to incur the odium of standing forth as a complainant, the Government might not, for a long while at least, if ever, hear of through the formal channels of authority; while its being brought to their immediate notice through the press, the remedy might be promptly and effectually applied, without any one individual being rendered obnoxious to the friends of the censured party as an informer.

8. Your letter admits, that a paper conducted with temper and ability, on the principles professed by me at the outset of my undertaking, was eminently calculated to forward the views entertained by the Government when the censorship was removed. It is with regret, however, that I observe you add, "the just expectations of Government have not been answered." Of the *ability* and *temper* with which my labours have been conducted, it does not become me to venture an opinion: but to show that they have been generally approved by the highest classes of my countrymen in India (for the large price and heavy postage of a daily paper necessarily confine its circulation to the upper ranks of society), I may mention the simple fact of my paper having gradually increased in its circulation from the commencement of its establishment, and of its having maintained steadily for two years and upwards a higher character and a greater demand, under every disadvantage of price and every opposition that could be brought against it, than any paper in India; while its receipts, from regular subscription alone, of more than 10,000 rupees per month, are greater than were ever before realized from the same source in this country. Such an indication of the utility and general estimation of my labours is not appealed to from ostentation, but to show, by the simplest and best means in my power, what the community at large think of the temper and ability with which they are conducted, and that in their view of them I have not departed from the professions with which I first set out. With regard to the *principles* by which they have been regulated, I may be permitted, I hope, to speak with more confidence, and to assert, without presumption or disrespect, my firm conviction that *these* at least have never been departed from; and that if those professed by me at the outset were, in the opinion of Government, eminently calculated to forward their views, those professed by me and acted on at the present moment must be equally so, if these views continue the same, for my principles have never changed. I appeal with all humility, but still fearless of the result, in confirmation of this opinion, to all who have watched the progress of my journal from its commencement up to the present hour, whether the only difference of character between the volumes of it, of which 15 are now before the world, for 1818, 1819, 1820 and 1821, is not that they have become more and more cautious, guarded and select, and at the same time more rich, various and respectable in the discussions of which it has been almost the only medium, on topics connected with the interests

of this country : and while I remember with satisfaction, that from the first number to the last the Government of India has never been spoken of by me but in those terms of just and honest praise which I was ever ready in all sincerity of heart to bestow on it, it is equally a subject of congratulation to me to find that from year to year the character of the paper rises with the increasing range and improving quality of the correspondence submitted by it to the world : in *this* walk it has no rival.

9. Whether any or what advantages have arisen from such discussions, I am not qualified to pronounce, neither can I determine on the exact proportion which the mischief said to be occasioned by them bears to the good ; but I hope and believe that whatever acrimonious discussions may have agitated the community, a very small portion of them can justly be laid to my charge. In any such dissensions in which I have been a party, my innocence or guilt depends on whether I maintained the right or the wrong side of the question in dispute. Until these are specified, therefore, I cannot tell what share of them is to be fairly attributed to me ; but I hope I may say with a safe conscience, that in the dissensions which have agitated the society here, I have been more frequently the defender than the accuser, and have been far more sinned against than sinning. But if the Government sincerely approve of comments on the acts of its public servants (and no other species of comment could be useful to men in public employment), differences of opinion, and even warm discussions, will necessarily arise. Our senate at home furnishes a striking example that this may exist, however, even in verbal controversy, so much more liable to warmth and intemperance than written, and especially anonymous discussions, without invading the rights or disturbing the happiness of private life, or without the necessary existence of private enmities between those who hold and openly maintain very opposite opinions on political and public affairs. In this country, it may be presumed, as in all others, the indolent may be roused to activity, the indifferent quickened in zeal, and the partially informed be made acquainted with much useful knowledge ; through the medium of a free and active press. But the indolent, and the careless, and the indifferent, and the uninformed, cannot become otherwise but by a great and painful effort to shake off habits which, by long indulgence, it has become agreeable to them to retain. The State may be benefited by such changes, and the individuals themselves become ultimately more useful and honourable men. But for some time at least they will be angry at the watchfulness and vigilance of those who exercise a scrutiny over their public duties, and still more angry with the press, that by its very publicity accelerates their reluctant reformation ; and as the conductor of that press is the only person known to them as the medium of such inconvenience as they are made to feel, in passing from a state of ease and indolence to the more active discharge of their public duties, they will regard him, though unjustly, as the cause of all the little vexations they experience in such a change, while they will be joined in their denunciations against the press by all who sympathize with them in the hardship of being obliged to attend with more than ordinary exactness to the faithful discharge of their functions. The labours of a public writer who attempts to direct his efforts to the higher duties of a free press are thus sufficiently discouraged by the abundant return of evil for good, which he is sure to receive from the angry and disappointed feelings of those to whom his animadversions or those of his correspondents may apply. These persons affecting to regard every inquiry or remark connected with their functions as a grave impeachment of their public and private character, they would put down every thing like free discussion, if it were in their power ; and I apprehend it is from persons of this description chiefly that Government is harassed with complaint upon complaint against the Calcutta Journal. But if there be just and serious grounds for complaint, is not the channel for redress open ? If the State or any of its high officers be libelled, the tribunal before which I was once summoned as the publisher of a letter which gave offence to Government, is fully adequate to inflict the penalties. If individuals are injured and aggrieved, that same tribunal gives to them every just ground of hope for redress. Those, therefore, who harass Government with complaints, can only do so because they doubt whether the grounds of the complaint are sufficient to obtain them redress at law ; yet the same reason, if duly adverted to, would render them undeserving the attention of a just government, who must perceive the ungenerous advantage which such persons seek, when they ask from the Government particular immunities in their own behalf to which the object of their complaint can lay no claim, and when they call down upon me the censure of the ruling power, instead of meeting me on equal terms before the common tribunal of our country, or explaining or repelling the statements of which they complain, through the medium of the press. I may be allowed to add, that in appealing to the public, they may be sure of a fair if not a partial hearing by addressing themselves to those editors who would gladly expose the slightest error I could commit.

10. I regret to learn from you that the Government apparently founds its objection to any appeals to the public, on the incapacity of the public to afford redress ; but if this were the chief objection, it existed with equal force in 1818, when the censorship was taken off for the avowed purpose of admitting such discussions and appeals, and was then indeed perhaps stronger than now, when an increasing community of Englishmen, bringing with them all their feelings fresh from home, is giving a more decided tone to public sentiment, and more value to public opinion, and assimilating it more and more to that of England ; such appeals, however, from which the Government justly hoped their servants would derive considerable benefit, cannot, I hope, be seriously thought to furnish the dishonest conclusion of sloth or indifference in those bound to watch over the general interest,

On the contrary, they are generally made, first, through the press for the express purpose of drawing the attention of men in authority to subjects that had not been brought to their notice; and among the many hundreds of letters published in the Calcutta Journal on subjects connected with the Government of India, though I remember with pleasure many that praised its vigilance, its watchfulness, and its solicitude for the welfare and happiness of every class of the immense population committed to its charge, I cannot recall to my recollection any that warranted the conclusion of sloth or indifference, which is here made to follow every appeal to the public, substituted for a direct communication to the constituted authorities.

11. It is made deep and serious matter of accusation against me, that I stand forth to vindicate the principle of such appeals, whatsoever slander upon individuals they may involve, and that I maintain the privilege of lending myself to be the instrument of any unknown calumniator. I cannot merely repeat such language addressed from a powerful Government to an individual like myself, without considerable pain, even at this distance of time, after the first impressions of my surprise at such an accusation had subsided. In the short letter which I had the honour to address you, in reply to your demand of the author's name, I simply explained the hope of public benefit as actuating me in the publication of his letter; I neither meant to assert nor stand forth to vindicate any principle whatever, still less the odious and abandoned defiance of all principle, which I am here supposed capable of evincing. It is painful to me to use stronger expressions of dissent than may be deemed becoming; but in the present instance, without intending the slightest disrespect to the opinion or the authority of Government, I must say, if they were the last words I had to write, that I owe it to the regard which in common with every honest man I entertain for my reputation,—I owe it to my children, to whom probably I may have nothing but that reputation to leave,—I owe it to the many distinguished supporters of my principles in the three presidencies of India, from whose approbation I derive my all, to enter my most solemn protest against an accusation, the nature of which is such as every feeling of my heart utterly contemns and abhors. If I have been more forward than others to vindicate the principle of appeals to the public through the medium of the press, it is because I estimated more highly so magnificent and valuable a gift as its freedom; and if it be not again taken from us, or so fettered and curtailed as to differ in nothing but in risk from the censorship of former days, I believe that the administration of India, under his Lordship's rule, will never be spoken of by posterity without their eulogium on this great act, as characterising at once a Government that had nothing to conceal, and consequently nothing to fear; for if knowledge is power, integrity and justice are the pillars of strength.

12. That his Excellency the Governor-general in Council is vested with the exercise of a chastening power, by virtue of which he may deport any man to England from hence, without condescending to assign a reason for such an act, it is not for me to dispute; but of this I am perfectly assured, that it would be indeed with "undissembled regret" that the Governor-general would be prevailed on to exercise a right that violated the very spirit and essence of British legislation, a right, the principle of which, if once admitted, would justify the transportation of an individual while suing even the Government itself for his legal right in a court of law, or the removal of a man against whom no charge could be brought, but whose banishment might ruin him and his family for ever. That state exigencies might possibly arise to render this as justifiable as the suspension of the *habeas corpus* at home, may readily be imagined; but the mere propounding of the question, whether a chaplain ought to be subject or not to the exercise of local control, could hardly be deemed so to endanger the State as to furnish the exigency required; nor could I imagine that so unconstitutional a power would ever be exercised by the Government until the Supreme Court had been found inadequate to meet the delinquency of the offending individual with a sufficient punishment. The preservation of decency and the comfort of society, one would hope, could never demand such a remedy. These are indeed terms, regarding the exact import of which no two individuals will entirely agree. I am unwilling myself to offend or disturb either; but in the sincere and zealous discharge of my duty, and in endeavouring to fulfil the just expectations of Government, by the encouragement of such comments on public questions as shall benefit those in public employment, it will be difficult always to avoid it. Every such comment will probably disturb the comfort of the individual to whose duties it is applied; and this would be in proportion to their truth, and to his consciousness of their application, the two strongest reasons for their use, and the surest pledges of their utility as affecting a beneficial change; while the upright and faithful servant of Government would remain undisturbed. It is not surely for being thus instrumental in promoting the public good at an occasional sacrifice of private comfort, that Government would visit me with its extreme displeasure. If, on the other hand, offences against decency, and aspersions on individual character, public or private, be deemed within the peculiar province of Government to watch over and avenge, I may safely say that there is not an individual in India who would have larger claims on its interference and protection as an unjustly calumniated person than myself; but I would not insult its dignity, nor so far evince my want of confidence in the tribunal open to all, as to ask the Government to extend the shield of its protecting and avenging power to me.

13. The close of your letter, which apprizes me that I shall be ordered to quit the country if I persevere in acting on the principle avowed in my first short reply to you, is indeed most painful for me to advert to; but I trust I shall not be thought wanting in respect to the

the Government if I doubt, in the present instance, whether they have clearly apprehended my meaning. My reply did not professedly avow any principle, but went simply to explain the views with which I published the communication in question. But if it be said to involve any principle, the only one that can possibly be inferred from it is the belief, that when a discussion is temperate and modest, and when it is likely to be productive of public benefit without infringing on the respect due to men in public authority, that then it may be safely indulged in. This, I humbly submit, is the very extent of the admission that can be drawn from my reply; and as such a principle is not only unobjectionable in a legal view, but is in strict conformity with the restrictions that superseded the censorship, and with the motives ascribed by you to Government in removing this last, I cannot comprehend why my perseverance in it should subject me to banishment and ruin. If there is to be no previous discussion of any case in which I may be supposed to violate the laws of moral candour and essential justice, it will be in vain for me to hope to escape. The standard of those laws may vary so much in different minds, that what is done with conscious innocence by one person, may be thought to transgress the proper bounds by others, especially by those whose feelings are irritated; and upon their angry complaints, the persons in whose hands the administration lies may apply their own standard to the case, and without previous discussion, without examination, without a hearing and without a defence, sentence to banishment and ruin one who had offended no prescribed rule, who was conscious of no crime, but who could yet neither defend nor even assert his innocence.

14. I may be forgiven here, I hope, for a momentary digression, to show wherein I have already suffered grievous and irreparable injury from this infliction of punishment without crime. In the year 1813, on the very day that Lord Moira left Portsmouth for India, I left that port for the Mediterranean. A series of disappointments and the loss of a fortune acquired in those countries, occasioned my going to Egypt, and from thence to Bombay. I had there the good fortune to be appointed to the command of one of the largest China ships of the port, from which, however, I was suddenly removed, without even an alleged fault, by order of the Government, requiring me to furnish securities for my immediate embarkation for England, because I was not provided with the Honourable Company's licence to settle in India. It was in vain that I stated the reason of my not having such licence to be, because I had no idea when I left England of ever visiting India: it was in vain that I explained my having even then no intention to settle here, but after performing my voyage to China, and opening there a channel of intercourse as well as in Bombay, for a trade with Egypt, should return to that country where all my affairs lay: it was in vain that I solicited the common favour of a special licence to remain even in Bombay (relinquishing a voyage that promised the highest advantages), until the pleasure of the Honourable Court could be known, or to visit Bengal to lay my case before the Supreme Government, securities being offered for my appearance whenever called for. Each and every request was refused; and it was peremptorily determined that I should be sent to England, a measure as ruinous to all my prospects as if I had been transported to Botany Bay, since all my ultimate views and affairs were in Egypt. It was at length, however, granted me as an especial favour to return from whence I came, though there was such an entire absence of all offence on my part, that the governor, Sir Evan Nepean, in a note, of which I was furnished with an official copy, expressed himself in these terms on my case: "I can have no objection to Mr. Buckingham returning to England by the way of Mocha. He came hither, I understand, by that route. To the individual himself I have not the slightest degree of objection; and shall by no means be sorry to see him return with the Company's licence, believing, as I do, that he would be of use to the mercantile interests in opening the trade of the Red Sea." I was thus subjected to the loss of nearly two years in time, the entire defeat of very brilliant prospects, and the positive loss of several thousand pounds; when so far from any fault being imputed to me, I had public testimony of my character being unobjectionable, and my pursuits deemed honourable and beneficial to the community. This testimony, and the view taken of the hardship of my case by the Court of Directors at home, obtained for me, however, what I understood to be the special favour of a licence being sent to me in India, without my personal appearance with securities before the court.

15. Since my return to India a second time with this licence, I have endeavoured to repair my losses, as well as zeal and industry in an honest pursuit would admit, first at sea, in the command of the ship to which I was originally appointed, and which was reserved for my return, and subsequently in my present occupation on shore. Upon the faith and understanding of my being subject to the same laws and regulations as those which are binding on my fellow-countrymen of all classes in India, I have studied to understand and endeavoured to obey them, in order to avoid all cause of just offence, though the very nature of my present avocations presents daily risk of offending the pride or the prejudices, or the self-love of many, a risk from which almost all other professions are exempt, and to which my own is more and more subject, in proportion to the conscientious discharge of its painful and arduous, but I hope useful and honourable, duties. In the belief that as long as I obeyed the laws I should not be deprived of the means of pursuing my avocations undisturbed, I have embarked the whole of my fortune and my hopes in my present undertaking. I have pledged my credit also for extensive arrangements in England connected with the permanence of my concern, and moreover I have sent to England for my family, from whom I have now been painfully and unwillingly separated for a period of more than eight years, never having before been sufficiently fixed in any one spot to admit

of their joining me, and from successive losses and disappointments never having before possessed the means of defraying the charge of their removal from home. The prospect opened for me here by the very extensive and unshaken support given to my humble labours; the secure footing on which the Indian press seemed to rest, and the improving value of the Calcutta Journal in every respect, as it seemed to those most competent to form an unbiassed judgment in the case; all seemed to warrant such arrangements as those into which I have entered. But these are all placed in jeopardy, and threatened with interruption, if not entire destruction, by the tenor of the letter which the Government have instructed you to address to me on the 17th instant.

In reverting to the main points of this long letter, which I have in vain endeavoured to shorten, I beg you will assure the Governor-general in Council, that in publishing the communication which appeared in the Journal of the 10th instant, I had not the most distant idea that any thing contained in it could be even construed into a want of respect for the public character of the Lord Bishop of Calcutta; that in the short reply which I had the honour to address to your first demand of the author's name, I meant not to advocate any right whatever, nor to vindicate any principle, though I humbly conceive the principle, if any, there implied, namely, that when discussions are temperate and modest, and may be productive of public benefit without infringing on the respect due to men in public authority, they may be safely indulged, will be deemed by his Lordship unobjectionable; and that your last communication of the 17th instant has given me considerable pain at finding I had unintentionally given such grave and serious offence to a government that I have every desire to honour, respect and obey. I beg also that you will further assure his Lordship in Council, that if the laws of my country are to be my future guide, I shall bow to the decisions of its tribunal with all due respect. If the written and defined restrictions issued on the removal of the censorship be made my rule of action, I will endeavour as faithfully to adhere to them. Even if the censorship be restored, I shall still acquiesce in the common submission exacted from all, by a power which, whether legally or illegally exercised, no individual like myself could hope successfully to resist. But if so severe a punishment as banishment and ruin is to be inflicted on a supposed violation of the laws of moral candour and essential justice, of which I know not where to look for any definite standard, I fear that my best determinations will be of no avail. My path will be so beset with dangers, that I know of no way in which I can escape the risk of such supposed violations, when those who are at once to be both judges of the law and the fact, may at the same moment make the accusation, pronounce the sentence, and carry it into execution, except by relinquishing entirely an occupation thus environed with perils from which no human prudence could ensure an escape.

I have, &c.

(signed) *J. S. Buckingham.*

Calcutta, 27 July 1821.

No. 38.—To Mr. *J. S. Buckingham*, Editor of the Calcutta Journal.

Sir,

I AM directed by his Excellency the most noble the Governor-general in Council to acknowledge the receipt of your letter of the 27th ultimo, and to inform you that the letter in question has produced no change in the sentiments and resolutions of Government, already communicated to you on the 17th ultimo.

Council-chamber, }
10 August 1821. }

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 22d April 1822.

No. 1.—To Mr. *J. S. Buckingham*, Editor of the Calcutta Journal.

Sir,

With reference to the extracts from Sir John Malcolm's Report on Malwa, which appeared in the Calcutta Journal of this day, and your intention announced to publish further portions of that work in your paper, I am directed to intimate to you that the Report in question is an official document on which the orders of the Court of Directors have not yet been received, and not at present destined for general publication. The Governor-general in Council desires, therefore, that you will refrain from inserting any further extracts from Sir John Malcolm's Report on Malwa in the Calcutta Journal, without the sanction of Government, since it might awkwardly involve the person who had imparted to you a document received by him as for the present confidential.

2. A communication, similar in substance to the above, has been addressed to the editors of the other newspapers.

Council-chamber, }
22 April 1822. }

I am, &c.
(signed) *C. Lushington*,
Secretary to the Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 3d May 1822.

No. 1.—Mr. J. S. Buckingham, Editor of the Calcutta Journal, to C. Lushington, Esq.,
Acting Chief Secretary to Government, &c. &c.

Sir,

NOT having received your letter of this day's date until 5 o'clock, and not opening it until nearly an hour afterwards, in consequence of my being just then particularly engaged, I regret to say that the paper was so far prepared for the press as to render it impossible for me to substitute other matter in lieu of the extract prepared from the Report on Malwa, and leaves me without the power of suppressing it without suspending the publication of the paper altogether for to-morrow, which would so materially affect my interests that I trust the Government will pardon the necessary evil, if it be one. As I have no desire, however, to oppose their wishes in this matter, I shall readily refrain from further publication from the Report without their consent; though, having made free use of the honourable Mr. Elphinstone's Report on the Dekhan, I had not the most distant idea that this could be subject to any restrictions to which that was not equally liable.

Monday Evening, 22 April 1822, }

½ past 6 o'clock. }

I have, &c.

(signed) James S. Buckingham.

The accompanying proof-sheets will show the preparation of which I have spoken.

The Acting Chief Secretary reports that the foregoing letter was received by him at too late an hour (on the 22d ultimo) to enable him to take the orders of the Governor-general and the members of council in circulation; and as the emergency of the occasion required that a reply should be sent without delay, the Acting Chief Secretary, from his knowledge of the sentiments of Government, addressed an answer to Mr. Buckingham, the draft of which he submits to the Board. The Governor-general in Council is pleased to approve and confirm Mr. Lushington's letter to the editor of the Calcutta Journal, written under the above circumstances. Ordered, that it be here recorded.

No. 2.—To Mr. J. S. Buckingham, Editor of the Calcutta Journal.

Sir,

YOUR letter of to-day's date was delivered to me at a quarter before nine o'clock this evening. I lose no time in informing you, that from my knowledge of the sentiments of Government, I am enabled to state, that the reasons assigned by you for refusing to conform to the orders of the Governor-general in Council, conveyed to you in my letter of this morning, will be entirely unsatisfactory, as you received it, according to your own statement, at 5 o'clock, an hour sufficiently early to render the excuse which you have adduced unavailing.

The proof-sheets are returned enclosed.

I have, &c.

Garden Reach, 22 April 1822, }

½ past 9, P.M. }

(signed) C. Lushington,
Acting Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 27th June 1822.

No. 39.—To Mr. J. S. Buckingham, Editor of the Calcutta Journal.

Sir,

HIS Excellency the most noble the Governor-general in Council has observed, in the Calcutta Journal of this day's date, a letter under the head of "A Free Press, Brevet and Local Rank," and signed "A Military Friend, neither a Mull nor a Gull." His Excellency in Council considers the tenor of that letter to be highly objectionable; and he has in consequence directed me to call upon you to state, for the information of Government, the name, designation and residence of the individual by whom that letter was communicated to you for publication.

I am, &c.,

Council-chamber, }

17 May 1822. }

(signed) C. Lushington,
Acting Chief Secretary to Government.

No. 40.—Mr. J. S. Buckingham, Editor of the Calcutta Journal, to C. Lushington, Esq.,
Acting Chief Secretary to Government, &c. &c.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of this day's date, and being in confidential possession of the address of the writer therein adverted to, who is in the Central Provinces, I beg respectfully to solicit the permission of Government to communicate to him their wishes, with which it would be desirable for me to possess his authority to comply, and which I pledge myself to use my immediate efforts to obtain, as well as to communicate the result of my application with the least possible delay.

I have, &c.

Calcutta, 17 May 1822.

(signed) J. S. Buckingham.

No. 41.—To Mr. J. S. *Buckingham*, Editor of the *Calcutta Journal*.

Sir,

In reply to your letter of yesterday's date, I am directed to state that Government cannot compound with you on the occasion which has led to the present correspondence, and that you must either at once give up the author of the obnoxious letter in question, or be held responsible in your own person.

I am, &c.

Council-chamber,
18 May 1822. }

(signed)

C. Lushington,
Acting Chief Secretary to Government.

No. 42.—Mr. J. S. *Buckingham*, Editor of the *Calcutta Journal*, to *C. Lushington*, Esq.
Acting Chief Secretary to Government, &c.

Sir,

It was from no wish on my part to conceal from Government the information sought, or to defeat the ultimate accomplishment of their wishes, that I requested their permission to communicate with the author of the letter which appears to them objectionable, but to perform an act of courtesy, if not of duty, to my correspondent, in advising a direct communication from that individual himself to Government of whatever information or explanation they might require; and which I have no reason to doubt that individual's perfect readiness to grant, particularly as he states publicly his being prepared to substantiate, by examples, to those who might doubt their accuracy, the truth of his observations.

Since, however, the Government desire to possess themselves of the required information with as little delay as possible, and feeling myself at liberty, in consequence of the publicly expressed readiness of the author to substantiate his observations by proof, to communicate his name, designation and residence, I beg to state, for the information of Government, that the author of the letter in question is Lieutenant-colonel Robinson, of His Majesty's 24th regiment of foot, now at Nagpoor.

I have, &c.

18 May 1822.

(signed) *J. S. Buckingham*.

No. 49.—Mr. J. S. *Buckingham*, Editor of the *Calcutta Journal*.

My Lord,

27th May 1822.

I HAVE learnt, with much pain and regret, that the publication of the letter of which the name of the author was demanded by Government, and communicated by me, has incurred the marked displeasure of his Excellency the Commander-in-chief, and that the writer of it has been ordered to quit the country.

From the great importance that is thus attached to the consequences of such a publication, I am naturally led to apprehend that I myself may have also appeared to Government to participate in the offence, by being the instrument of giving it to the world.

I have so frequently professed my sincere and unfeigned desire to make the press the instrument of all possible good, with the least possible mixture of evil, that I can only repeat my undisguised and deep regret at any event or occurrence which could tend to impress the Government with a contrary opinion.

With regard to the particular letter in question, I solemnly protest that I had not the most distant apprehension of its being otherwise than agreeable or acceptable to Government, as showing the extensive benefits already derived from a measure of your Lordship's administration, that had to all appearance their full concurrence; and expressing a hope that a period would arrive when its benefits would be still more widely extended. My surprise could be only equalled by my regret at finding that the Government entertained so unfavourable an opinion of what I deemed not merely inoffensive, but useful; and it is impossible for me to view the punishment with which I learn the writer is visited, without apprehending the most serious consequences to myself.

With this impression deeply fixed on my mind, I feel it my duty to address your Lordship, first, to protest most solemnly against any inference that may be drawn of my having, by the admission of such a letter into the paper under my management, intended to insult the feelings or to show any disrespect to the lawful authorities of the country; and secondly, to affirm, with all the solemnity that can attach to the most serious affirmation, that it has ever been, it still is, and I hope it always will be, my first and last desire to make the press a vehicle only for advancing the true interests of the British government in India, for attaching all classes of its subjects by the strongest moral ties to the established authorities of the land, for promoting the spread of useful knowledge, strengthening the permanence of our present political tranquillity, and increasing the extension of all that characterizes the blessings of civilization.

If in the performance of this duty unintentional errors may be committed, or opinions not in accordance with those entertained by the Government be hazarded, it can hardly be possible that they should visit a deficiency of judgment with a punishment that the law reserves only for the highest degree of moral turpitude. It would be confounding all distinctions of moral right, and all proportion between the offence and penalty, to consign to ruin an individual who had endeavoured to do good to all, but more particularly to advance their interests and to serve their cause, merely because, in the ardour of his zeal, he had appeared to them to have mistaken his path.

If the laws of England, and the decisions of its tribunals, were to be made the rule of action, he who offended those laws would justly incur the punishment which their guardians and depositaries would pronounce and inflict. If clearly defined and distinct Regulations, issued by competent authority, were superadded to these laws, in order to suit the peculiar circumstances of the country in which we live, any plain and wilful infringement of such Regulations would also justly subject the offender to some proportionate penalty. But when neither the one nor the other are disobeyed; and, instead of some clearly defined rule or code, the judgment of Government is made the criterion of offence, it is impossible but that unintentional error shall at least risk being construed in their estimation as deliberate crime; and to a statesman and legislator of your Lordship's penetration and experience, it must be quite unnecessary to say, that such a risk might as frequently involve the innocent as the guilty, and could not but be attended with the most serious evils, if not tending to undermine entirely those sure and certain foundations, on which it is the boast of every free and enlightened government to have its code of justice at least reposed.

Not to engage your Lordship's time or attention unnecessarily, I must end as I began, by protesting most solemnly against any inference of wilful disrespect to Government that may be drawn from the publication of the letter in question, or of my being influenced at any time by a desire to oppose their known wishes, or to contemn their authority.

I have, &c.

(signed) J. S. Buckingham.

No. 50.—Mr. J. S. Buckingham, Editor of Calcutta Journal, to J. M. Macnabb, Esq.
Acting Private Secretary, &c.

Sir,

Monday evening, 29th May 1822.

I HAVE the honour to acknowledge the receipt of your letter of this day's date, and lose not a moment in requesting you to convey to the most noble the Governor-general my high sense of his just though still indulgent construction of my professions, the sincerity of which I trust he will never have occasion to call in question.

My defence of the letter to which my attention had been called by Government was not intended by me to impugn *their* view of its tendency, but to show that it was at least not liable to the exaggerated character given of it by a writer in another newspaper, whose construction of it appeared to me at once so groundless and so mischievous, as to render it necessary, in justice to my own character, to republish his strictures for the purpose of showing, by an argumentative comment on them, how full of misconception and misstatement they were; and I can add, with great truth, that if no such letter had appeared in the newspaper alluded to, casting great odium on my character as its publisher, I should not have ventured, while the originally offensive article was under the notice of Government, to have publicly dwelt on it further.

His Lordship will however, I am sure, distinguish between the patient submission to established authority, and the remaining silent under the accusations of a contemporary newspaper, which could ungenerously thus strive, while the matter was *sub judice*, to widen the existing breach between the Government and myself, by giving to my indiscretion, or want of perception of the alleged evil tendency of the letter, an air of studied and deliberate crime, as if it were the chief end and aim of all my labours to insult the Government of the country, and bring the established authorities into contempt. From such an imputation, which if unanswered would be construed as admitted by my silence to be just, I hope his Lordship will at least think it was a pardonable failing for me to be impatient to defend myself; and the object of my comment had this intent, no more.

It gives me great pain to learn that his Lordship considers a disrespectful feeling likely to be engendered in the army by the publications, such as have appeared on military questions, and he has rightly conceived my being entirely ignorant of such an effect. Aware as I am, however, from a portion of my own life being passed in a service in which discipline is essential, how important it is to avoid all that may tend unnecessarily to relax it, I can have no hesitation in distinctly pledging myself to exercise the greatest caution in the admission of articles which may have the slightest tendency to produce such an evil, as well as all those which may appear dictated by personal feelings rather than a disinterested regard to the promotion of the public good.

My often declared, and I may add, unaltered principles, have always led me to desire that my paper should be confined to subjects of decided utility, and that whatever might tend to weaken the political or moral ties which should unite rulers and subjects as well as the various classes of society together, might be carefully avoided. If I have erred (and I am not vain enough to claim exemption from error) in the pursuit of those objects, it may be attributed wholly to indiscretion or incapacity, and perhaps also to something of a too ardent zeal in the execution of whatever my peculiar duties may require me to undertake. Without a dereliction of principle, therefore (which I am sure indeed Lord Hastings could neither require nor approve), and without the sacrifice of any important sentiment, I can with safety, and I do with sincerity, pledge myself to exercise that additional scrutiny and caution which his Lordship requires; and having so pledged myself, I shall, I trust, be conscientiously zealous to fulfil his expressed expectations.

I beg, therefore, that you will do me the favour to assure his Excellency the Governor-general, that he may repose himself on my attention to these points; and with a renewal of my deep sense of his Lordship's justice as well as benevolence,

I have, &c.

(signed) J. S. Buckingham.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 18th July 1822.

No. 7.—To Mr. J. S. Buckingham, Editor of the Calcutta Journal.

Sir,

It appearing that you have from your press a Supplement to the Calcutta Journal, called the New Weekly Register and General Advertiser, and that you have not furnished copies of that supplemental paper to the Chief Secretary's office, in conformity to the Regulations of Government, which have been communicated to you for your guidance, I am directed by the Governor-general in Council to desire that you will transmit to the Chief Secretary's office, copies of all the numbers of the New Weekly Register which have been already published, and furnish to the same office regularly copies of all future numbers of the paper in question.

I am, &c.

(signed) C. Lushington,
Acting Chief Secretary to Government.

Council-chamber, 18 July 1822.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 25th July 1822.

Editor of the Calcutta Journal to C. Lushington, Esq. Chief Secretary to Government.
&c. &c. &c.

Sir,

THE supplementary paper issued from the press of the Calcutta Journal weekly being intended chiefly as a country-advertiser for the convenience of houses of business, and a single page of it kept open only for any heads of intelligence that might arrive on the day preceding that of publication, I thought I should have been attaching too much importance to such a mere collection of advertisements, and be unnecessarily occupying your attention with a matter wholly beneath it (in my apprehension), by sending a copy of each paper to the office of the Chief Secretary to Government, not conceiving it to be within the meaning of the Regulations, any more than the various advertisers published in Calcutta.

Finding, however, that I have erroneously assumed the indifference of Government towards publications of this nature, I lose no time in complying with your desire, and have now the honour to send, for the records of the Chief Secretary's office, a copy of the New Weekly Register and General Advertiser, for the stations of the interior, published as a supplement to the Calcutta Journal, and have given directions to the printer to deliver regularly, on every day of publication, a copy of the advertiser in question.

I have, &c.

Calcutta, 19 July 1822.

(signed) J. S. Buckingham.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 27th August 1822.

A letter of an objectionable tendency, signed "A New Observer," having appeared in the Indian Gazette of yesterday, the Governor-general in Council directs that the following letter be written.

No. 12.—To the Editor of the Calcutta Journal.

Sir,

A LETTER, signed "A New Observer," having appeared in the India Gazette of yesterday, which is considered by Government to be of a description highly offensive to the feelings of his Majesty the King of Oude, I am directed to communicate to you the desire of the most noble the Governor-general in Council, that you will refrain from inserting in your paper any of these strictures for which the information must at best be loose, but probably insidious, while their purport is wantonly insulting to a sovereign who has shown the warmest attachment to the British interests.

I am, &c.

Council-chamber, }
27 August 1822. }(signed) C. Lushington,
Acting Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 26th September 1822.

No. 69.—Mr. J. S. Buckingham to C. Lushington, Esq., Acting Chief Secretary to the Government.

Sir,

I have the honour to acknowledge the receipt of your letter of the 10th instant (delivered this day), and agreeably to the request therein made, beg to forward to the General Department all the numbers of the Calcutta Journal published since the 1st of August last up to the present date, and shall direct this to be continued regularly.

A similar file of the Journal for the same period shall be also furnished to the Postmaster-general without delay, and succeeding numbers delivered in continuation as published.

I have, &c.

Calcutta, 26 Sept. 1822.

(signed) J. S. Buckingham.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 17th October 1822.

No. 5.—To Mr. J. S. Buckingham, Editor of the Calcutta Journal.

Sir,

THE attention of the Governor-general in Council has been called to a discussion in the Calcutta Journal of the 31st ultimo, respecting the power of Government to forbid the further continuance within the British territories in India of any European not being a covenanted servant of the Honourable Company.

2. With a suppression of fact most mischievous, as tending to betray others into penal error, you have put out of view the circumstance, that the residence alluded to, if it be without a licence, is criminal by the law of England, while, if the residence be sanctioned by licence, it is upon the special recorded condition, not simply of obedience to what the local government may see cause to enjoin, but to the holding a conduct which that government shall deem to merit its countenance and protection, a breach of which condition forfeits the indulgence, and renders it liable to extinction.

3. This provision, which the Legislature of your country has thought proper to enact, (53 Geo. 3, c. 155; s. 36,) you have daringly endeavoured to discredit and nullify, by asserting that "transmission for offences through the press is a power wholly unknown to the law; that no regulation exists in the statute book for restraining the press in India;" and that "the more the monstrous doctrine of transmission is examined, the more it must excite the abhorrence of all just minds."

4. No comment is requisite on the gross disingenuousness of describing as a tyrannous authority, that power, the legality and justice of which you had acknowledged by your voluntary acceptance of a leave granted on terms involving your express recognition to that effect. Neither is it necessary to particularize the many minor indecencies in the paper observed upon since you have brought the matter to one decisive point.

5. Whether the act of the British Legislature, or the opinion of an individual shall be predominant, is now at issue. It is thence imperative on the duty of the local government to put the subject at rest. The long-tried forbearance of the Governor-general in Council will fully prove the extreme reluctance with which he adopts a measure of harshness; and even now his Excellency in Council is pleased to give you the advantage of one more warning. You are now finally apprised, that if you shall again venture to impeach the validity of the statute quoted, and the legitimacy of the power vested by it in the chief authority here, or shall treat with disregard any official injunction, past or future, from Government, whether communicated in terms of command, or in the gentle language of intimation, your licence will be immediately cancelled, and you will be ordered to depart forthwith from India.

Council-chamber,]
5 Sept. 1822.]

I am, &c.
(signed) C. Lushington,
Acting Chief Secretary to Government.

No. 10.—Editor of the Calcutta Journal to C. Lushington, Esq., Acting Chief Secretary to Government.

Sir,

I SHOULD have acknowledged the receipt of your letter of the 5th instant at an earlier period, but that I have been confined for the last six days to my bed by illness: I now seize, however, the earliest moment of a temporary release from that confinement, to reply to its contents.

2. I regret that the attention of the Governor-general in Council should have been drawn to one portion only of a long protracted discussion between myself and the editor of another paper, without apparently having been made acquainted with the origin of that dispute, or presented with the various articles that had been written on both sides the question at issue, before the article of the 31st ultimo, which closed the discussion, appeared. Had this not been the case, it is difficult to conceive that his Excellency in Council should consider the disputed point to be, whether the Government had the power to forbid the further continuance within the British territories in India of any European not being a covenanted servant of the Honourable Company. This power was never doubted, much less denied; and the only question between my opponent and myself respecting the exercise of such a power (which both acknowledged to be legally given), was, whether like all other legally delegated power, it was intended to be exercised under a responsibility for its use or abuse, or whether, like illegal and absolute power, it was to be subject to no responsibility whatever. My opponent contended that it had no limit, but the mere will and pleasure of the high individual exercising it; I maintained on the contrary, that the power itself, originating in a lawful source, was necessarily to be confined within lawful limits; and that irresponsible power was nowhere to be found acknowledged in the laws or constitution of England.

3. Had his Lordship in Council been made acquainted with the rise and progress of this discussion, so as to have seen the spirit and intention of the part I have borne in it from its commencement to its close, I should have reposed my case on his judgment for any decision he might have thought fit, but this appearing to me not to be the case, I confide in his Lordship's sense of justice to yield me a patient hearing while I recapitulate, which I shall do as briefly as possible, the heads of the discussion in question, to show that so

far from setting the authority of the Legislature at defiance, my whole aim and end has been to rescue that supreme power from the contempt with which others appeared to me to treat it.

4. In the *John Bull* of the 21st of August some sneers were thrown out against a free press, which the editor of that paper endeavours by every possible means to bring into discredit, sometimes by attempting to represent it as dangerous, at others to make it appear ridiculous; and it appearing to me, that independently of the error of such a course, which deserved to be exposed, it betrayed a great want of judgment in any Indian paper professing admiration for the character and principles of the Marquis of Hastings, to attempt to *degrade* that which his Lordship had described on a great public occasion to be the most powerful instrument that could appertain to human rule, and fraught with equal blessings to the governors and governed, I ventured to defend both the press and its noble eulogist from this double-edged weapon of ridicule and calumny, by publishing in my journal of the next day (August 22d) the following paragraph:—"Every one must be aware that the freedom of the Indian press is a subject in which the Marquis of Hastings took a sincere, a well-grounded and a commendable interest. He gladly saw it numbered among the most useful and honourable acts of his administration; he gladly received from all quarters the eulogiums to which such an act fully and justly entitled him; and with all the frankness that belongs to a noble heart and an elevated mind, he opened the inmost recesses of his bosom to the world, to explain to them the motive by which he was actuated in bestowing on his countrymen in India this splendid and invaluable gift. Whatever may have since occurred, we are firmly persuaded that Lord Hastings will not look back upon a single act of his long and eventful life with higher approbation than on this. It is one of those deeds which not only wear well, but improve in estimated value by the lapse of time. There is not one of his Lordship's children who, in reviewing the bright portion of their beloved and venerated parent's history, will not love to dwell on this act of their father's as one combining the lofty views of the philosopher and statesman, with the conscious innocence and bold integrity of the pure patriot and the honest man. There is not one of his Lordship's historians who will not dilate on this portion of his Indian life, as one leading in the end to more important results than all the orders which gained him victories in the field, or all the regulations which have obtained his sanction in the council. We speak deliberately and advisedly when we add, that we have the strongest reasons for believing that his Lordship is at this moment as warm a friend to the freedom of the Indian press as at the period of his first breaking its shackles; and whatever false impressions, groundless alarms, expedient concessions, or any other causes may have given rise to, in the long interval between that period and the one at which we write, we do believe sincerely,—and if they were the last words we had to utter we should again repeat them,—we do believe, that at heart Lord Hastings was sincere in all that he said and did on that great and interesting question, and that he is now as desirous as any individual in India that the press should remain unfettered by any other restraint than the laws made for all, satisfied, as he must be now, that the danger apprehended from it by shallower and weaker minds than his own, and the outcry raised against the exercise of a salutary and honest expression of opinion, were without the slightest rational foundation."

5. Further, the editor of the *John Bull* having gratuitously inserted in his paper of the 19th of August an isolated passage from an English journal, describing the conduct of the government of India towards the press, as "displaying the caprice of a barbarian despot, who engages eagerly in a scheme of which he does not foresee the consequences, and tires of it before it comes fairly into operation;"—in reference to this unfair and offensive quotation, and with a view chiefly to show that my object was to defend both the press and its patrons here from imputations with which my opponent so zealously strove to stigmatize all that belonged to freedom of opinion, I added to the former paragraph the following remark: "If *John Bull* be thus allowed to handle such subjects with impunity, and to connect the name of Lord Hastings with what he holds to be either pernicious or ridiculous, or both, it shall be our duty to rescue the name of that Nobleman from a connection so ill deserves, and to place it in association with that which Milton eulogized, which Blackstone praised, which Pitt and Fox and Burke and Sheridan, and a hundred other names with which those of Hastings and Canning may be ranged without losing any of their lustre, have all lauded, as it deserves, a free press, the great engine of nearly all the blessings that have been showered upon mankind since its first discovery, and the means to which, under Heaven, religion, science, art, knowledge, morality, virtue and happiness are more indebted for the progress they have made among nations, than to any other cause that can be named."

6. On the 26th of August the editor of *John Bull* published an article of some length, the chief purport of which was to show, that notwithstanding all that had been said about the press in India, it never was intended that it should enjoy that freedom of publication which Lord Hastings considered to be the natural right of his countrymen, and which he said he was as much guided by a well-weighed policy as by a sense of justice in freeing from the shackles that formerly bound it. With the most wilful blindness to all that had been passing for the last four years in India, the editor of *John Bull* opened his dissertation with the following singular confession: "In the first place, then, we must begin by acknowledging candidly that till Thursday last, when the matter was announced in the *Calcutta Journal*, we had not the most remote idea that a free press was established in India;" and he then goes on to insinuate, that the professions of the Governor-general were of no value whatever, and that freedom of the press, for which he had so justly received

ceived the thanks and admiration of his countrymen from all quarters of India, not only did not exist now, but never had, and never was intended to have, any force or meaning whatever.

7. On the following day (August 27th), I noticed these ungenerous, and, as they appeared to me, unwarranted assertions of my opponent, by saying that I believed the wish of the Governor-general was in unison with his professions; that the press should be held amenable to the courts of law for its offences (that being the process observed by his Lordship in the majority of the cases in which he had thought proper to interfere, and in the most recent instances also); and that if this was the case the press must be considered free, for all that was ever meant by me in using that term was, free from any other restraint or control than that imposed by a court of law and a jury. On this same occasion, in reference to John Bull's insinuations of Lord Hastings's professions, in reply to the Madras Address, having no force or meaning, I said, "Believing the opinions of the Governor-general delivered to all the world to be good and valid, we very naturally concluded, that all that dropped from his lips was true and sincere; and that the press, which he had received thanks for relieving from its shackles, was free indeed." I added, "We believed so still; and there is no writer that can suppose otherwise, without imputing hypocrisy and wickedness to acts that sprung from the frank disclosures of a noble and benevolent heart. That writer is, however, John Bull, and he shows practically how little he regards those restrictions as in force, by making a greater breach of them than has ever been done before; by declaring in effect that a solemn act of the Governor-general, done in the face of all the world, had no meaning whatever, and should be regarded as utterly null and void. If this be the way in which John Bull thinks to excite respect for authority, he will certainly fail in his object; for such a construction (which happily will nowhere be received) is directly calculated to bring the highest authority of the land into contempt."

8. On the following day (August 28th), the editor of John Bull noticed the remarks made by me as given above; and after speaking of the censorship of Lord Wellesley's government, and the restrictions of 1818 substituted in its stead, says, in the most contemptuous manner, "In answer to these arguments, the Calcutta Journal brings forward certain words said to be spoken by the Governor-general at the Government House in 1819;" and after endeavouring to raise a doubt as to whether such words were ever actually spoken or not, he goes on to show, that even if they were, they could deserve no attention and possess no weight whatever; for even if they professed to remove restrictions, to grant freedom of publication, and to permit public scrutiny, they professed what the Governor-general could not grant; "for," says he, "that would be monstrous doctrine in law; a resolution of the Governor-general in Council to be cancelled *ex ore* by the Governor whenever he should think proper! The Governor-general cannot (he continues), even if he would, make any rule for emancipating the press from restrictions already imposed on it. Here then (he concludes) is dissolved into thin air the gorgeous palace of press-liberty, as raised by the lamp of Aladdin, out of a few winged words in the Government House."

9. It appeared to me impossible that any one entertaining the least particle of regard for consistency of conduct could interpret this in any other light than as a most deliberate charge of inconsistency and insincerity on the conduct of the Governor-general, on the occasion of his Lordship's reply to the Madras Address, to which these remarks applied. Accordingly on the following day (August 29th) I published an article, headed "Defence of the Marquis of Hastings against the attacks of John Bull." To this article it will be only necessary for me to call the attention of the Governor-general in Council to one or two paragraphs; first, to show what were the grounds on which I contended that the press was still practically free; and, secondly, to show that so far from doubting the power of Government to send Englishmen out of the country, whether they had licence or not, I admitted it in its full force, contending only that such a power must have been given to be exercised under the same responsibility that attaches to all power and even prerogative under the British rule and dominion either at home or abroad. The paragraphs alluded to are as follows: "Perhaps the very best illustration that we could give of this actual freedom of the press being such as we have here described, is to ask the reader whether at any period since the removal of the censorship, a paper has ventured to place the conduct of the Governor-general in so invidious a light as this very John Bull has done; by making it appear, that while Lord Hastings was receiving from every part of India, and even England, praises the most enthusiastic, for his giving to India the freedom of the press; while he was professing to the whole world, in his reply to the Madras Address, why he had given this 'freedom of publication' to his fellow-subjects, his words were mere winged words uttered in the Government House, without any meaning whatever, and such as no man of ordinary understanding could suppose really to imply what the words fairly purported! Is it possible that a person professing respect for the government of the country can thus slander its supreme head! It is indeed monstrous. The power of restraining the press, and enforcing the observance of any restriction that the Governor-general in Council thinks fit to impose, is an indirect one. There is no statute of English law, and no regulation of Indian law, by which any editor can be punished with banishment, for offences through the press; but there is a power vested in the Governor-general only of sending to England any British subject who is found residing in India without a licence, or who came to this country without this legal warrant of entry. This power then of sending any man out of the country who has no licence to remain in it, though given for one purpose, may be certainly used for another; and this is the only restraint which can be used over the English press. A person suing the Government in court for damages

might be easily removed, no doubt, or silenced by the threat, that if he persisted in opposing its wishes, his licence to remain in India would be withdrawn, and immediate embarkation would follow; but as the Government have too high a sense of justice to do this, why should we suppose that they would require any other channel than the law for enforcing the assent of others to their opinions in any other case? or why imagine that they would use means to compel a man to abandon his right of publication, which they would not use to compel him to abandon his right of trading? for both are in one sense actual property legally sanctioned by a licence to remain in the country, and ought to be regulated by the same standard."

10. To this article the editor of the John Bull replied on the following day, by fastening on some of the minor points of the question in dispute, and making various quotations from official letters that had passed at different periods between the chief secretary to Government and myself, with a view to charge me with prevarication and inconsistency.

11. The article in the Calcutta Journal of the 31st of August, to which your letter of the 5th instant particularly alludes as the one brought to the notice of his Lordship in Council, was a reply to that of the John Bull on the preceding day; and the main object of this recapitulation has been to show—

12. First, That the discussion did not originate with me.

13. Secondly, That it was not founded on a question of the power of Government to transmit without trial, but on a mere question of act and evidence, whether the press was free or enslaved.

14. Thirdly, That my share in it was not to deny, but to uphold the authority of the laws.

15. Fourthly, That my object was to defend the Marquis of Hastings individually from accusations of insincerity, which I thought unfounded; and the Government collectively, from a charge of entertaining intentions hostile to the fair and legal exercise of a common right, which I was as unwilling to admit.

16. Fifthly, That the whole substance of the dispute ultimately resolved itself, not into a doubt of the power of an Act of Parliament, but into a doubt of the construction given to certain clauses in that Act, on which men might differ widely without losing any respect whatever for its authority.

17. This brings me therefore to the immediate subject of your letter, to the chief points of which I shall endeavour, as well as my feeble state of health will admit, to reply as briefly and as clearly as I can.

18. With reference to the first paragraph of your letter, as to the subject of the discussion being the power of Government to send Englishmen out of India, what I have before said will be sufficient, I hope, to satisfy the Governor-general in Council that this power was never questioned by me, and that it formed only a collateral argument to the main dispute, which was, whether the press was free or enslaved; and, if restraints were to be placed on it, what was the legal mode in which such restraints could be imposed?

19. With reference to the second paragraph of your letter, I beg distinctly to state, that so far from having suppressed the fact of its being unlawful for Englishmen to reside in India without a licence, I have admitted and reiterated that fact times beyond number, always making it the ground of my argument for saying, that the fear of having his licence withdrawn, and being therefore sent to England as a person unauthorized to remain in India, is the most powerful as well as the only legal restraint even now exercised over the Indian press; because, although ostensibly the law does not specifically warrant transmission for offences through the press, any more than for any other class of offences, yet, as it warrants it for whatever the Governor-general may think good cause, be that what it may, his Excellency can exercise that power on British-born individuals whenever he thinks proper, without assigning any reason whatever, subject however to that responsibility under which all power, even that of the courts of law, must necessarily be exercised, since irresponsible power is a doctrine wholly unknown to the law and constitution of our country.

20. With reference to the third paragraph of your letter, I beg leave to say, that I have never attempted to discredit or nullify any Act passed by the Legislature of our country, for that would be to deny the authority of King, Lords and Commons; but it appeared to me as to many others, that the construction of an Act of Parliament containing many more clauses than one, must always admit of a wide latitude of opinion. Throughout that Act, no specific mention is made of any punishment peculiar to offences through the press, and which it may therefore be presumed was intended to be dealt with according to the common course of law; and neither on the statute book of England, nor the statute book of India, by which I mean the printed and published Regulations of Government issued and passed in the usual forms, am I aware of any law for restraining the Indian press. I am of course aware that the Government may issue any order that it may see fit to Englishmen residing in India, and among these, at least, prohibit printing altogether; and that any refusal to comply with such order must be at the peril of the individual refusing, who may have his licence withdrawn, and be then sent out of the country for being without that document: but in *common parlance*, it is no denial of this power to say, that no law exists for restricting the Indian press, because this power applies no more to the press than it does to anything else; and if the power of placing restraints on the press be inferred from the mere existence of a legal power to transmit, then a power to place restraints on any other enjoyment may be equally inferred from the same source; and yet it would surely be admissible to say, that there was no law on the statute book of India for preventing the publication of political tracts, although any one who should publish one that contained offensive

offensive matter might have his licence withdrawn, and then be transmitted for a misdemeanor, as residing in India without proper authority. The laws on the statute book apply, however, with equal force to all classes of British subjects in India, whether British-born or otherwise, and infringements of them may be punished through the regular channel of a court of law; they are, in this respect, essentially different from orders not so passed in the shape of Regulations, though such orders may be equally binding to those over whom the power of transmission extends; and I am sure his Excellency in Council will see clearly, that this distinction is sufficient to explain the full meaning of my expression.

21. The fourth paragraph of your letter attributes to me what I feel conscious I do not deserve. I hope I am as incapable of "gross disingenuousness" as I am of remaining silent under so unwarranted a reproof: I do not call it a stigma, because it could only become so by being deservedly attached to my character: I have the consolation, however, to know, that if repeated a thousand times it would still fail to be felt by me as deserved, and obtain no credit with those to whom the frankness of my whole conduct is known. When I accepted of a licence to remain in India, which was sent to me from England without my knowledge of what were the conditions it might impose, I was glad to find that there were express and positive conditions laid down in it, to which I could honestly subscribe, and that as long as I conformed to these conditions the licence would be held valid; though the moment I made a breach of any of them, I was liable to have it withdrawn. The first of these conditions stated, that I was to conform to all such *Rules and Regulations* as might be in force at the presidency at which I might reside; secondly, that I should engage in no trade, bank, dealings or transactions, *contrary to law*; thirdly, that I be guilty of no violence, wrong or oppression towards the natives, or any foreign king or state within the limits of the Company's charter; and fourthly, that I should not quit the country without paying all my just debts. Hitherto, I hope and believe that I have fulfilled my portion of the conditions enjoined; and as there can be no contracts without reciprocal engagements, I have always indulged the hope, that as long as my stipulated duties were fulfilled, the stipulated protection of the Government would not be denied me. In accepting this licence, I did not certainly conceive that it involved an express recognition of the legality or justice of a power that should subject me to banishment and ruin, for daring to entertain an opinion of the meaning of any Act of Parliament contrary to that held by the chief authority of the State. My opinion of that meaning may be wrong. I had never asked for any other means than open argument to show that it was right: but that the opinion entertained by Government of the power granted them by an Act of Parliament may be also wrong, the history of our own times will furnish proof; for it is within the recollection of many residents of Calcutta, that in the case of certain duties imposed on articles of trade by an authority which the Government, no doubt, thought legal at the time, a reference to England showed that such duties were illegally imposed, and it was the opinion of the best lawyers in India, that the Government might have been sued for the full amount of the duties so levied. The memorable case of the Despatch cutter is another striking instance of the difference of opinion that may be honestly entertained by the most upright and well-intentioned persons as to the construction of an Act of Parliament; and indeed every case that is tried before a British court, if it depend on a question defined by statute law, furnishes proof upon proof of the main fact for which I am contending, namely, that without at all doubting the validity of any Act of the Legislature, there is nothing of more frequent occurrence than the maintenance of the most opposite opinions as to the intent and meaning of such Acts. It is scarcely a year ago since the power of the Supreme Court to file criminal informations for libel was disputed through a long and tedious day, in which the judges, barristers, and other officers of court, all differed from each other in the construction of the Act of Parliament relating to this power, for no two speakers gave exactly the same view. But the learned Judges of that court did not think it any *disrespect to their authority* to question its legal extent; on the contrary, they heard with as much patience and attention those who opposed the exercise of such a power as *unlawful*, and never contemplated by the Act, as they did those who contended for its *legality*; and even among themselves, one of their own number, the present sole judge on the bench, contended against the jurisdiction which his brother judges wished to maintain. No disrespect to the general authority of the court was, however, meant by this; nor has that authority been lessened by that discussion in the slightest degree. The object of *all* was to ascertain, by *careful and patient inquiry*, and the fullest and most impartial hearing of all parties, what the exact *limit* of their authority was; and this being ascertained, obedience to it followed in the natural order of things.

22. The fifth paragraph of your letter, therefore, which supposes that the question is reduced to this point, whether the Act of the British Legislature, or the opinion of the individual, shall prevail, gives, I fear, too much importance both to me and to my sentiments. The Act of the British Legislature must prevail; whatever may be my individual opinion of its meaning, it is only the collective opinion of a court of law that could set aside any decision to which a misinterpretation of it might lead; and only the collective opinion of King, Lords, and Commons, that could increase its powers, if too limited, or retrench them, if too extended. In all this my individual opinion would avail no more than the opinion of the Governor-general in Council: we might each entertain and act upon very opposite ones; but in a British court, or before a British Parliament, there would be other commentators, the collective weight of whose opinions would of course decide the meaning of all doubtful points.

23. Of the forbearance of the Governor-general I have myself spoken often and warmly;

and to show that I entertain no mean opinion of what we owe to this, I must take the liberty to subjoin one more short extract from the late discussion which has given rise to this letter. At the close of this discussion I said, "We hope we shall be pardoned for the unexpected length into which we have been led; but much as we have suffered from the measures pursued at one time and another against the British press of India, we have yet a sense of deep and sincere gratitude towards the illustrious Nobleman whom we shall always call its liberator, and who, we are persuaded, is still its friend. He is about to leave us shortly, and we can now have no suspicion even of the motives for flattering him: we know, however, that he has maintained the cause of the press in secret with as much energy and eloquence as he has defended it in public; we know, that if he has sometimes yielded to the importunity of those who harassed him with complaint upon complaint, he has more frequently resisted the torrent that threatened to divert him from his noble and benevolent purposes; and we are convinced that all the liberty which the Indian press has enjoyed for the last four years, let it be curtailed when it may, has been the gift of his magnanimity and forbearance. For this we are grateful, and he will carry with him our ardent wishes for his happiness, to whatever land his footsteps may be next directed."

24. I had certainly hoped that the virtue of this forbearance would have shone brighter and brighter, as the close of the Governor-general's career approached; but I should indeed be guilty of that "disingenuousness" of which I have been, I hope, unjustly accused, if I were to conceal my regret at finding that the mere act, repeating *once more* what had been said months and years ago, of transportation without trial for offences through the press, and this too not addressed to Government, but in the warmth of controversy with an opponent, to whom all liberties of language and argument are permitted, should have led to a communication of his Lordship's final warning in the terms you have couched it. From this I am compelled to conclude, that the press is no longer free to touch on any subject whatever that the Government may think proper to interdict; and more, that my permission to remain in India is dependent on implicit obedience to any and every official injunction, past, present or to come, of whatever nature, kind or description it may be.

25. As to the nature or extent of that freedom of the press about which such various and conflicting opinions have been entertained, it is now clear that for English-born editors, who may be transmitted for maintaining abstract opinions as to its existence or total annihilation, no such freedom can be any longer supposed to exist; and as far as I am concerned, by being included in that class, it is likely that his Lordship in Council will never more be troubled with dissertations upon a question now so entirely set at rest. Of the merits or demerits of the several systems of censorship, restrictions or freedom, as by law established, whatever may be my opinion, it must be unavailing to offer it now. I have before often desired to know, only distinctly and unequivocally, what the system intended to be maintained, actually was, and expressed my readiness to conform to it; for the justice or injustice, policy or impolicy of any system must rest with those who establish, and not with those who are called on merely to observe it, and who have no share in its formation. Every apparent departure that I have yet made from such conformity to the established system of the moment has arisen from the ambiguity of the terms in which its conditions appeared to me to be involved, and from the inferences fairly warranted by the various modes of proceeding adopted against offences through the press, sometimes through the channel of official correspondence, but more frequently and in the most important cases through the regular channel of proceedings in the courts of law. To this last appeal I have never once objected; and so far from my ever attempting to set any Act of the Legislature of my country at defiance, my never-ceasing cry and prayer has been, that the dominion of the law should be upheld and maintained, as the only dominion under which we all ought to live. Whatever is lawfully established, it will be always my duty to obey; and even under the system here laid down by the Governor-general in Council, as that framed by the Legislature for the government of British India, however it may fall short of that standard of excellence which ardent minds might wish to see attained, it will be my aim to live as usefully and honourably as I can. If I fail in effecting all the good I wish, I must strive to be content with doing that which is safely practicable, and endeavour to balance the sacrifices of the present by indulging hopes for the future.

26. I hasten to conclude, as well as my exhausted state will admit, by simply stating, therefore, that under all these considerations, I shall conform to such official injunctions as may be issued for my guidance, as long as I retain my present occupation and pursuits, which, however, both duty and inclination will equally prompt me to relinquish or transfer to other hands, whenever circumstances may lead me to conclude that my perseverance in them is likely to be detrimental to my own peace of mind, injurious to the welfare of the State, or incompatible with the interests and happiness of others.

Calcutta, 9 Sept. 1822.

I have, &c.
(signed) J. S. Buckingham.

P. S.—That I may not again incur the imputation of a "mischievous suppression of fact, as tending to betray others into penal error," I shall rely on his Lordship's justice to permit the publication of the official correspondence in which I have been involved on the subject of the press, in order that no persons may henceforth plead ignorance as their excuse for not conforming to the wishes now so clearly and finally expressed by Government. It is not only granted to my opponent, the Indian John Bull, to publish such portions of the letters of Government to me as may suit his purpose of bringing my writings and character into disrepute, but access is given him to all such documents sufficiently early to make them a subject of comment in his pages almost before they reach my hands,

hands, and certainly before I have been able to reply to them. Those who remember the avowed purpose for which that paper was established, to crush and annihilate the Calcutta Journal; those who know the manner in which it has been supplied with every mark of official countenance and protection, being made indeed the channel of information formerly confined to the Government Gazette, as well as the vehicle of the most angry denunciations of myself and my opinions, in letters written for its columns, and generally believed to have been penned by some among the highest functionaries of the state; those to whom all this is notorious (and they include nearly the whole of the British community of India,) will not wonder at the ungenerous exultation which the habitual contributors to that paper have already displayed, at what they no doubt deem the immediate harbinger of my irrecoverable ruin. In the John Bull of the 9th instant is a letter signed F. G., which must have been written within a few days after that on which your official letter to me is dated, communicating to the world the intelligence of my having incurred the displeasure of Government, almost as soon as I knew of that event myself, for, in fact, being ill in bed when your letter of that date reached me, late in the evening of the 5th, I was only able to read it on the next day, and this ungenerous exultation at my anticipated ruin was thus spread forth to the world by some person who could only have known the circumstance through official channels, before I had strength to rise from my bed of sickness to offer a single observation on it, either in extenuation or reply. In this letter of the John Bull, the initials of the Governor-general are used, and it is then contemptuously asked, "whether the G— G— L— may not mean the Great Great Lama? After which it goes on to insinuate, that this G— G— L— had written a letter to the editor of the Journal, which it was desirable to keep secret, as its getting abroad might defeat the speculation into which he had entered, &c. &c., in terms that leave no doubt as to its aim and object being to degrade me in the estimation of the world; and by insidiously describing my prospects as insecure, to deter others from placing that confidence in my pecuniary credit, which it must be as much my interest as that of any other person in business to protect from unjust suspicion, and to preserve unsullied from reproach. The property which my industry has accumulated, it will now be my duty to secure as well as I can from premature destruction; and the fair fame which my labours have obtained for me, it will be equally my duty to protect to the best of my abilities from being blasted by unjust aspersions. To accomplish the one, I shall take the most effectual measures within my power, even at the hazard of rendering it less valuable, to secure it from the jeopardy of that sudden dissolution which may be said to threaten it every hour that it remains dependant on my individual charge; and to effect the other, I only ask the common justice of being permitted to publish the correspondence and final decision of Government regarding the press, not only to satisfy the Indian public as to the impossibility of my future continuing to maintain the sentiments I so lately held, and as I thought justly, regarding the freedom of the Indian press, but also, to escape the imputation of that "gross disingenuousness" and mischievous suppression of fact tending to betray others "into penal error," with which I should be justly chargeable, if I concealed from others that which it is important for all men to know who desire to conform to the wishes of those in authority, and who seek for explicit information as to what those wishes are, in order that they may more fully and effectually obey them. The Government, feeling that their decision is just, must be honoured by making it known; and the most effectual way of closing for ever all plea of excuse from those who may in future pretend to doubt their intentions, will be to place clearly and unequivocally before the world the explicit and final declaration of their expectations and commands.

Trusting that no sentiments which I have expressed throughout the foregoing letter, written at broken intervals, and amid the anxiety and suffering of a bed of sickness, will be construed, either from its matter or manner, into disrespect or disobedience towards the Supreme Authority (which I am far from intending, and which I wholly disavow), I rely on the high character and impartial justice of his Excellency in Council for a due consideration of all that I have ventured to offer in explanation of my conduct, and for his equally ready attention to my closing, and I hope just and reasonable request.

I have, &c.

Calcutta, 10 Sept. 1822.

(signed) *J. S. Buckingham.*

EXTRACT BENGAL PUBLIC CONSULTATIONS, 20th February 1823.

No. 7.—To Mr. J. S. Buckingham.

Sir,

REFERRING to the editorial remarks contained in the Calcutta Journal of the 8th inst., page 541, and to the communications officially made to you on former occasions, I am directed to apprise you, that in the judgment of the Governor-general in Council, you have forfeited your claim to the countenance and protection of the Supreme Government.

2. I am further directed to transmit to you the enclosed copy of an order passed by Government on the present date, by which the licence of the Court of Directors, authorizing you to proceed to the East Indies, is declared to be void from and after the 15th day of April next.

3. You will be pleased to notice, that if you should be found in the East Indies from and after that date, you will be deemed and taken to be a person residing and being in the East Indies without licence or authority for that purpose, and will be sent forthwith to the United Kingdom.

Fort St. William, }
12 Feb. 1823. }

I am, &c.
(signed) *W. B. Bayley,*
Chief Secretary.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 6th March 1823.

No. 5.—Mr. J. S. Buckingham to W. B. Bayley, Esq., Chief Secretary to Government.

Sir,

I HAVE received your letter of the 12th instant, enclosing me the resolution of the Governor-general in Council of that date, informing me that my licence to remain in India will be void on the 15th of April next, in consequence of the remarks contained in the Calcutta Journal of the 8th instant, at page 541, to which an importance is attached which could only have arisen from the Governor-general mistaking a piece of mere pleasantry, at the incompatibility of such opposite duties as those of a doctor of divinity and a clerk of stationery, for a grave and portentous matter of treason against the State.

For the wisdom or accuracy of this decision, those who have acted on it are of course alone responsible. It is sufficient for me to advert in this place to the personal injury which I must sustain by such a measure of punishment as the Governor-general has thus chosen to direct against me, as the supposed author of the obnoxious remarks in question. This injury will be deeply felt, by my sudden banishment necessarily shaking the confidence of those with whom I am associated in the joint possession of actual property, by the effect it will produce in lessening the value of that property which it thus places in jeopardy and insecurity, and by the entire destruction which such a blow will give to all my future prospects, from its suddenly interrupting the lawful exercise of an honest profession. All these evils are inflicted on me by this measure, though I am entirely innocent of any crime for which the slightest measure of punishment could be legally inflicted; or at least if I am unconsciously guilty, I desire nothing more than an open trial before the tribunal of the law, and the visitation of whatever sentence the administrators of that law may pronounce.

After the resolution of the Governor-general which you have communicated to me, I can no longer hope to exercise, with any safety to myself or advantage to the public, my duties as editor of the Calcutta Journal; and as numerous other individuals are associated with me in the joint possession of the property of that paper, I am also bound by a regard to their interests no longer to retain my present dangerous office, a perseverance in which might, perhaps, render our property as insecure as the freedom of my person is now shown to be, under a system which leaves both subject to the mercy of a power exercised at the mere will and pleasure of an individual without the intervention of the law. I feel myself compelled; therefore, under all these considerations, to avail myself of such legal and honourable means as will most effectually secure the property from further injury than it has already sustained by the measure of my sudden removal from its superintendence.

With this view, I have already resigned the editorship of the Calcutta Journal, not nominally only but *actually*, into the hands of Mr. J. F. Sandys, a gentleman of Hindoo-British or Anglo-Indian birth (well known as a public writer and editor of an Indian newspaper some few years ago), to whose future management the Calcutta Journal will be entrusted from and after this date, and to whom you may therefore address yourself in all future cases in which you may desire a correspondence with the editor of that paper.

Retaining as I shall do my pecuniary interest in the concern in common with numerous other individuals of every rank and class in the community who have become joint shareholders with me in that establishment, I shall rely also in conjunction with them on the protection which the law will extend to that property, to save it from further injury by trespass or spoliation; and while the real editor of the Calcutta Journal, Mr. Sandys, will be alone responsible for the future conduct of that paper from this date, I shall lose no time in directing all my exertions, in another and a higher quarter, to obtain for my countrymen in India that freedom and independence of mind which is not denied to the most abject individual of Indian birth, but which, while the power of banishment without trial exists, no *Englishman* can hope to enjoy in the performance of his public duties, or the promulgation of his opinions in this quarter of the British empire, however sincerely those opinions may be entertained, however lawfully they may be expressed, or however zealously they may be directed to the improvement of the country or to the attainment of public good.

Calcutta, 17 Feb. 1823.

I am, &c.
(signed) *J. S. Buckingham.*

SELECT COMMITTEE ON CALCUTTA JOURNAL.

III.

COPY of the REGULATIONS under which the Press in *Bengal* was conducted at the time of the Revocation of Mr. *Buckingham's* LICENCE.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 28th August 1818.

The following circular Letter was written by the Chief Secretary to Government, on the 19th instant, to the Editors of the several Newspapers in Calcutta.

No. 9.—To the Editors of Newspapers.

Sir,

His Excellency the Governor-general in Council having been pleased to revise the existing Regulations regarding the control exercised by the Government over the newspapers, I am directed to communicate to you, for your information and guidance, the following Resolutions passed by his Lordship in Council :

The Editors of Newspapers are prohibited from publishing any matter coming under the following heads :

1st. Animadversions on the measures and proceedings of the Honourable Court of Directors, or other public authorities in England, connected with the Government of India, or disquisitions on political transactions of the local administration, or offensive remarks levelled at the public conduct of the members of the Council, of the Judges of the Supreme Court, or of the Lord Bishop of Calcutta.

2d. Discussions having a tendency to create alarm or suspicion among the native population, of any intended interference with their religious opinions or observances.

3d. The republication, from English or other newspapers, of passages coming under any of the above heads, or otherwise calculated to affect the British power or reputation in India.

4th. Private scandal and personal remarks on individuals, tending to excite dissension in society.

Relying on the prudence and discretion of the Editors for the careful observance of these Rules, the Governor-general in Council is pleased to dispense with their submitting their papers to an officer of Government previous to publication. The Editors will, however, be held personally accountable for whatever they may publish in contravention of the rules now communicated, or which may be otherwise at variance with the general principles of British law as established in this country, and will be proceeded against, in such manner as the Governor-general in Council may deem applicable to the nature of the offence, for any deviation from them.

The Editors are further required to lodge in the Chief Secretary's office one copy of every newspaper, periodical, or extra, published by them respectively.

I have, &c.

Council-chamber,]
19 August 1818. }

(signed) J. Adam,
Chief Secretary to the Government.

IV.

Copy of DESPATCHES from the Government of *Bengal*, announcing the REVOCATION of Mr. *Buckingham's* Licence, and the other PROCEEDINGS of the said Government with respect to Mr. *Buckingham*.

EXTRACT PUBLIC LETTER from *Bengal*; dated 5th August 1819.

Para. 50. ON our proceedings of the 25th June, your Honourable Court will observe a minute recorded by the Governor-general, comprising a copy of certain paragraphs which had appeared in the 95th No. of the *Calcutta Journal*, of a highly offensive nature. The extract contained a wanton attack upon the Governor of Fort St. George, in which his continuance in office was represented as a public calamity, and his conduct in administration asserted to be governed by despotic principles, and influenced by unworthy motives.

51. The Governor-general accordingly suggested the expediency of ascertaining from the Advocate-general, whether the publication in question amounted to a libel, and in such case, whether in his judgment it would be advisable to institute any and what legal proceedings against the publisher. We entirely concurred in the measure proposed by the Governor-general, and the Chief Secretary was directed to call upon the Advocate-general for his opinion.

52. The report of that officer greatly discouraging the institution of legal proceedings against the editor of the *Calcutta Journal*, a strong objection presented itself to using on this occasion the extreme powers of Government, by depriving Mr. *Buckingham* of his licence to remain in the country. The exertion of such an unusual degree of rigour upon the first transgression which occurred after the previous censorship had been relinquished, would have appeared an act of unprecedented severity, and might have been considered a departure from the spirit of the terms announced to the editor. We thence deemed it sufficient in the instance to reprove Mr. *Buckingham*, the editor of the journal in question, very austere, and to warn him of the consequences which would inevitably attend a further violation of the spirit of the instructions communicated to the editors of newspapers, at the period when the Government dispensed with the obligation to which they had formerly been subjected, of submitting their papers, previously to publication, to the revision of an officer of Government.

53. Mr. *Buckingham*, in reply to this notification, expressed his contrition for the offence which he had committed, in the strongest terms, and pledged himself to avoid in future the insertion of such objectionable matter in his journal. Copies of the correspondence (recorded as per margin) were transmitted to the government of Fort St. George.

Consultations,
25 June, Nos. 1
and 7.

EXTRACT PUBLIC LETTER from *Bengal*; dated 6th January 1820.

Consultations,
20 August, Nos. 56
and 57; 27 Aug.
Nos. 19 and 21.

Para. 134. AT the request of Mr. *Buckingham*, the editor of the *Calcutta Journal*, we have sanctioned an arrangement for securing to the post-office the punctual payment of the actual sum received on account of the postage of the *Calcutta Journal*, for a period of twelve months, that paper (viz. the regular numbers only) being allowed in consequence to circulate to all stations to which the post-office regulations of this presidency extend, free of nominal postage or charge to the persons to whom it may be addressed, subject to the following conditions: The arrangement was to take effect from the 1st September last. The amount payable by the editor, on account of the postage in question, was to be calculated according to the average of the number of the *Calcutta Journal* which should have been daily dispatched from the post-office during the month of August, and Mr. *Buckingham* was to furnish such security as the postmaster-general might approve, for the payment into the post-office of the amount so computed, either by instalments, or by one aggregate payment within the year, as might suit Mr. *Buckingham's* convenience. It was also to be understood that each paper was not to exceed the weight, viz. three sicca weight, authorized by the existing regulations.

135. We reserved to ourselves the power of cancelling the agreement in question at any period, in the event of its being discovered that essential public inconvenience had resulted from its operation.

EXTRACT PUBLIC LETTER from *Bengal*; dated 31st July 1820.

Para. 152. THE tenor of certain observations contained in the *Calcutta Journal* of the 11th January last, under the head of a "Notice to Subscribers under the Madras Presidency,"

dency," having appeared to us to be so highly improper as to call for immediate notice from this Government, we directed our Chief Secretary to address a letter to Mr. Buckingham, the editor of that paper, on the subject. Consultations, 4 Feb., No. 1.

153. The observations alluded to were clearly intended to convey the impression, that the government of Fort St. George had taken measures to impede the circulation of the Calcutta Journal, which measures were unjust in themselves and originated in improper motives. Mr. Buckingham was accordingly informed that his remarks on the proceedings of the government of Fort St. George were obviously in violation of the spirit of those rules to which the particular attention of Mr. Buckingham, as the editor of the Calcutta Journal, had been before called, and that the unfounded insinuations conveyed in those remarks greatly aggravated the impropriety of his conduct on this occasion.

154. It was then intimated to Mr. Buckingham that the Governor-general in Council had perceived with regret the little impression made on him by the indulgence which he had already experienced, and the Chief Secretary was desired to warn him of the certain consequence of his again incurring the displeasure of Government. Mr. Buckingham was however required to make a distinct acknowledgment of the impropriety of his conduct, and a full and sufficient apology to the government of Fort St. George for the injurious insinuations inserted in his paper alluded to, with regard to the conduct of that government, to be published in the Calcutta Journal.

155. Finally, Mr. Buckingham was further required to transmit the draft of such acknowledgment and apology to the Chief Secretary's office within the period of three days from the receipt by him of that officer's letter. That if it should be considered sufficiently satisfactory it would be returned to him for publication, but if not, such further communication would be made to him as the Governor-general in Council should direct.

156. In reply to the foregoing requisition, Mr. Buckingham submitted two letters to Government, in which he entered at length into a justification of his conduct. The points discussed being connected with local regulations, and not being of that importance which would appear to call for an exposition of their details, we deem it unnecessary to prolong our report of the subject by abstracting Mr. Buckingham's reasonings in extenuation of his offence. Your Honourable Court will have access to the documents recorded on the occasion comprised in the Consultation of the date specified in the margin. It will be sufficient for us to add, that the explanations appeared to the majority of the Government to afford considerable ground for exculpation in favour of Mr. Buckingham. Mr. Buckingham was therefore apprized, that although the Governor-general in Council thought it indispensably requisite that a public acknowledgment should be made in the manner pointed out by the Chief Secretary, it was not the desire of the Government that the acknowledgment should be worded in the terms which would have been judged necessary previously to the consideration of Mr. Buckingham's letters, but that Government expected an early expression in the Calcutta Journal of his regret at having published observations so carelessly worded, as to bear the appearance of disrespectful animadversion on the government of Madras.

Consultations,
4 Feb., No. 2nd 1.

157. In conclusion, it was observed to Mr. Buckingham, that the rules framed for the guidance of the editors of newspapers, when they were relieved from the necessity of submitting the papers to the revision of an officer of Government, were in themselves so reasonable, and so obviously suitable to the circumstances of this Government, and to the state of society here, as to warrant the expectation of their general spirit being observed, even if they had not been officially prescribed. And that independently of the injurious consequences to which an injudicious or perverted use of the discretion vested in the editors of newspapers might lead, it had a manifest tendency to raise a question as to the expediency of the liberal measures sanctioned by Government with regard to the press, and to lead to the revival of those restrictions which common prudence on the part of the editors would render altogether unnecessary.

EXTRACT PUBLIC LETTER from Bengal; dated 2d April 1821.

Para. 139. In our despatch of the 31st of July last, we took occasion to bring under the notice of your Honourable Court the improper conduct of Mr. Buckingham, the editor of the newspaper called the Calcutta Journal, in inserting in that paper a paragraph highly disrespectful to the late governor of Fort St. George: we regret to remark, that we have in more recent instances had to animadvert on the exceptionable tendency of certain articles contained in subsequent numbers of that paper.

Paragraphs 152 to 158.

140. A letter having appeared in the Calcutta Journal of the 6th of November last, headed "Merit and Interest," and signed "Æmulus," we considered that production to be of so very offensive and mischievous a tendency, that we resolved to take the opinion of the advocate-general as to the probable issue of a prosecution for a libel vilifying the Government, and tending to excite discontent in the army.

Consultations,
17 Nov., No. 1.

141. Mr. Spankie was at the same time furnished with a copy of a portion of the Calcutta Journal of the 8th of November, and desired to offer to Government such observations as the perusal of the "Note of the Editor," contained in pages 94 and 95, might suggest, as connected with the letter above adverted to.

142. The advocate-general, in reply, stated his opinion, that the publication in the Calcutta Journal of the 6th of November was a libel upon the Government and Administration of the country,

Consultations,
17 Nov., No. 2.

country, and that it was a libel not only highly offensive in its terms, but mischievous in its tendency, and he encouraged the measure of prosecution. In the same letter, Mr. Spankie stated his observations on the further objectionable matter comprised in the paper of the 8th, which it is unnecessary for us to describe in this place.

Consultations,
17 Nov., No. 4.

143. On a full consideration of the sentiments expressed by Mr. Spankie, we resolved that a prosecution should be commenced against Mr. Buckingham for publishing the libel upon the Government and Administration of this country, which was contained in the letter signed "Æmulæ." A copy of the correspondence on the subject was accordingly forwarded to the Honourable Company's attorney, in order that the necessary measures might be adopted, under the advocate-general's guidance and instructions, for conducting the prosecution in such manner as might be judged most conducive to the public good. The advocate-general was at the same time apprized of the above intention.

Consultations,
17 Nov., No. 3.
Consultations,
17 Nov., No. 5.

144. On being informed of the resolution of Government, Mr. Buckingham addressed to us the letter recorded on the Consultation last noted. Mr. Buckingham stated, that the day after the obnoxious article had appeared, he had taken pains to expose its groundlessness and absurdity, before he was apprized of his having incurred the displeasure of Government. He alluded to the little chance that existed of his escaping conviction, the severity of the punishment which would probably be inflicted, and therefore implored the Government to spare him "the cruelty and hardship of being exposed to the scorn of the envious and illiberal, and suffering fine, imprisonment, and probably ruin, for the imprudence, at most, of publishing the sentiments of another."

Consultations,
17 Nov., No. 6.

145. In reply to this address, Mr. Buckingham was informed, that we saw no reason for staying the proceedings which had been commenced against him in the Supreme Court.

Consultations,
13 Jan. 1821,
No. 16.

146. The Governor-general, however, having, when temporarily absent from the presidency, communicated to the Council a letter addressed by Mr. Buckingham to his Lordship upon the subject of the prosecution for libel instituted against him by the Government, and his Lordship's sentiments upon that letter, Mr. Buckingham was informed that the prosecution would be waived on the following conditions:

1st. That he should instruct his counsel to let the motion which has been made in the Supreme Court by the advocate-general for an information against him, pass without opposition.

2d. That he should address to the Government an apology, comprehending in distinct and unequivocal terms the professions contained in his letter to his Lordship, for the purpose of the same being read in court by the advocate-general, as the ground of the instructions to that officer to drop the prosecution.

Consultations,
13 Jan., Nos. 17
and 18.

147. The letter which Mr. Buckingham addressed to the Government, in consequence of the foregoing communication, having contained an intimation from that individual that the sentiments entertained by the writer under the name "Æmulæ" were foreign to his own, and that he did not at the time attach the importance to it which subsequent consideration had shown him he should have done; and Mr. Buckingham having also expressed his hope that the act which had excited the displeasure of Government would be received as the result of inadvertence, we desired the advocate-general to drop the prosecution, provided that the motion which had been made by him in the Supreme Court for an information against Mr. Buckingham should not be opposed by his counsel.

Consultations,
13 Jan., No. 19.

148. In November last, Mr. Buckingham was called upon to state the name of the writer of a letter under the head of "Military Monopoly," and signed, "A Young Officer," which appeared in the Calcutta Journal of the 3d of November, and the tenor of which was considered to be highly objectionable. In compliance with that requisition, Mr. Buckingham gave up the name of the writer of the letter in question, who was severely reprimanded by the Commander-in-chief. The correspondence on this subject is recorded, as per margin.

Consultations,
8 Dec. 1820,
No. 1 to 3; 13 Jan.
1821, No. 20.
Consultations,
5 May 1820,
Nos. 2 and 3.

149. The papers recorded, as noted in the margin, contain correspondence with Mr. Buckingham relative to an exceptionable letter which appeared in the Calcutta Journal of the 29th February 1820, on the subject of the pay of the troops of the Madras establishment, the name of the author of which letter Mr. Buckingham, on the requisition of the Government, gave up. The proceedings on this last occasion originated in the Political Department.

EXTRACT PUBLIC LETTER from Bengal; dated 1st October 1821.

Para. 110. We have already had occasion to report to your Honourable Court frequent instances of abuse on the part of the editor of the Calcutta Journal, Mr. J. S. Buckingham, of the indulgence of this Government in dispensing with the submission of newspapers published in this country to the previous inspection of the Chief Secretary to the Government. The lenity extended to Mr. Buckingham, however, appears to have had the effect only of encouraging him to new infractions of the rules prescribed for the regulation of the public press. In the case which we are about to describe, it appeared to us that Mr. Buckingham had exposed himself to legal penalties by the licentiousness of his pen, and we accordingly deemed it proper to address a reference to the advocate-general on the subject.

Consultations,
17 July, No. 1.

111. In the Calcutta Journals of the 2d and 3d of July last, were the following objectionable passages:

"We

"We have found champions, and able ones, flowing from every quarter of India which had yet received that infamous prospectus (circulated post-free by some authority or other, no doubt, though we are far from believing it to be the highest,) or our own comments on it (circulated under the usual limitations of weight and postage, without favour or indulgence)."

"The prospectus of 'John Bull in the East,' we are informed, was sent post-free into the interior, with the permission of Government."

112. These extracts had evident allusion to the authority given by Government for the transmission, post-free, to the several stations in the interior, of the prospectus of a new paper, to be called "John Bull in the East," which indulgence had been expressly granted with reference to a similar exemption extended to the first number of the Calcutta Journal, comprising the prospectus of its editor.* The attention of the advocate-general was requested to the passages above quoted; and he was desired to inform Government whether, in his judgment, the passage marked in the paper of the 2d of July, taken in connection with what preceded and followed it, was of a nature to subject the editor of the Calcutta Journal to legal penalties for the publication of a libel against the Government, or against any of the officers of Government.

113. The advocate-general, in reply, briefly stated his opinion, that the particular publication alluded to could not be considered as a libel upon the Government; and on the whole, with reference to the vagueness of the insinuation against some officer of Government, he did not think it a case to be selected for prosecution. Consultations, 17 July, No. 2.

114. On this occasion, Mr. Adam recorded a minute, stating that it appeared to him that Mr. Spankie had not directed his attention to what formed the material part of the question. Mr. Adam observed, that the expressions used in the Calcutta Journal of the 2d July, implied that a certain "infamous" paper had been circulated post-free by some authority, not, as the writer believed, the highest; and that this was done with a view to injure him, while his own writings were subjected to the charge of postage. In the publication of the 3d, the editor informed his readers that the publication in question was circulated by the authority of Government, leaving the charge of gross injustice unrectified, and thus transferring the obloquy from the supposed subordinate authority to the Governor-general in Council himself. Consultations, 17 July, No. 3.

115. To this part of the case, Mr. Adam remarked, Mr. Spankie appeared not to have adverted. Mr. Adam was led to infer, however, that the advocate-general would not recommend a prosecution were this brought to his notice, and it was not Mr. Adam's intention, therefore, to propose another reference.

116. Considering, however, the assertions and insinuations of the editor of the Calcutta Journal as a gross affront to Government, and a heavy aggravation of former offences which had been excused, Mr. Adam expressed his opinion that Mr. Buckingham ought to be required to make a public apology for the same; and Mr. Adam submitted that opinion for the consideration of the Board.

117. Scarcely, however, had the consideration of the above offence attained this stage, when we received a letter from the Lord Bishop of Calcutta, forwarding a portion of the Calcutta Journal of the 10th of July last, which his Lordship asserted contained a charge against the Bishop of encouraging and upholding the clergy in the neglect of their most solemn duties; that the chaplains, in consequence, were at perfect liberty on every idle pretence to leave their flocks, however numerous, without the ordinances or consolations of religion; that it spoke of a misplaced power vested in the chaplains by the Bishop, which ought to be checked by the local authorities. Consultations, 3 Aug. Nos. 1 & 2.

118. The Bishop observed, that he could not repel such accusations in any more public method, than by submitting them to the Government, and recording them with a declaration that they were in a high degree injurious to his public character, and consequently to the interests of religion in this diocese. To prove that they were unmerited, his Lordship enclosed an extract from the charge delivered by him at his last visitation of this arch-deaconry, in February 1819.

119. We informed the Lord Bishop in reply, that we considered his Lordship had just ground to complain of the tenor of the letter alluded to, which contained insinuations, howsoever cautiously worded, unquestionably disrespectful to his Lordship's public character; that the editor of the Calcutta Journal would in the first instance be required to state the name of the author of the improper letter in question, and that his Lordship would hereafter be apprized of the further measures which Government might deem it expedient to adopt on the occasion. Consultations, 3 Aug. No. 3.

120. The editor of the Calcutta Journal was accordingly called upon to state, for the information of Government, the name, designation, and residence of the individual by whom the letter in question was communicated to him for publication. Consultations, 3 Aug., No. 4.

121. Mr. Buckingham, in reply, stated, that the author of the letter alluded to was unknown to him; at the same time he begged respectfully to submit for our consideration that he published the letter in question under a conviction that a temperate and modest discussion of the inconveniences likely to arise from a want of local control in certain points over military chaplains might be productive of public benefit, without infringing on the respect due to the public character of the Lord Bishop of Calcutta. Consultations, 3 Aug., No. 5.

122. On receiving this answer, we were of opinion that the time was arrived when it became absolutely necessary to repress the unbridled licence of Mr. Buckingham's publications, of which such abundant proofs were already on our records; we therefore desired our chief secretary to explain to Mr. Buckingham the light in which his explanation had been

been viewed, and to warn him of the inevitable consequence of his persisting in a course of conduct so inconsistent with his duty to the Government under whose protection he has been permitted to reside.

123. As the subject may be considered to be of some importance, we shall introduce the substance of the Chief Secretary's address to Mr. Buckingham into the subsequent paragraphs.

Consultations,
3 Aug., No. 6.

124. It was observed to Mr. Buckingham, that it was to have been hoped, that when his attention was called to the nature of the publication in question, he would have felt regret at not having perceived its tendency, and that he would have expressed concern at having unwarily given circulation to a statement, which advanced the invidious supposition that the Bishop might have allowed to the chaplains a latitude for deserting their clerical duties, and disregarding the claims of humanity.

125. Instead of manifesting any such sentiments, Mr. Buckingham defended his procedure, by professing that he "published the letter under the conviction that a temperate and modest discussion of the inconveniences likely to arise from a want of local control in certain points over military chaplains might be productive of public benefit."

126. But it was remarked to Mr. Buckingham, that it was a gross prostitution of terms to represent as a temperate and modest discussion an anonymous crimination of an individual, involving at the same time an insinuated charge, not the less offensive for being hypothetically put, that his superior might have countenanced the delinquency.

127. On mere presumption, if not with intentional disguise, of a known fact, the statement would give it to be understood that the misconduct alluded to was unchecked; whereas serious notice of the transgression was instantly taken. Therefore, there was not only a groundless imputation on the Bishop, but the culpable inattention of Government was falsely implied.

128. Had the object (the Chief Secretary continued,) of the writer of the letter been to remedy an inconvenience, his addressing himself to the proper department was the ready and legitimate course for procuring an immediate correction of the evil. An accuser's concealment of his name had an obvious meanness in it, which ought to throw doubt upon the motives of his representation. When to that circumstance was added the peculiarity of the signature, "A Friend to a Lady on her death-bed," adopted visibly to suggest to the minds of the public some brutal slight, the malignity of the disposition was unquestionable.

129. With these particulars before his eyes, and in contempt of former warnings, Mr. Buckingham did not hesitate to insert in his Journal such a statement from a person of whom he declared himself to be utterly ignorant, and of whose veracity he consequently could form no opinion. His defence for so doing was not rested on the merits of the special case; but as his argument must embrace all publications of a corresponding nature, Mr. Buckingham insisted on his right of making his Journal the channel for that species of indirect attack upon character, in all instances of a parallel nature.

130. It was then stated, that when certain irksome restraints which had long existed upon the press in Bengal were withdrawn, the prospect was indulged, that the diffusion of various information, with the able comments which it would call forth, might be extensively useful to all classes of our countrymen in public employment. A paper conducted with temper and ability on the principles professed by Mr. Buckingham at the outset of his undertaking was, it was remarked, eminently calculated to forward this view. The just expectations of Government had not been answered; whatsoever advantages had been attained, they had been over-balanced by the mischief of acrimonious dissensions spread through the medium of the Calcutta Journal; complaint upon complaint was constantly harassing Government, regarding the impeachment which Mr. Buckingham's loose publications caused to be inferred against individuals. As far as could be reconciled with duty, Government had endeavoured to shut its eyes on what it wished to consider thoughtless aberrations, though perfectly sensible of the practical objection which attended those irregular appeals to the public. Even if the matter submitted were correct, the public could afford no relief, while a communication to the constituted authorities would effect sure redress; yet the idleness of a recurrence to a wrong quarter was not all that was reprehensible, for that recurrence was to furnish the dishonest conclusion of sloth or indifference in those found to watch over such points of the general interest; still the Government wished to overlook minor editorial inaccuracies. But the Chief Secretary remarked, that the subject had a different complexion when an editor stood forth to vindicate the principle of such appeals, whatsoever slander upon individuals they might involve, and when he maintained the privilege of lending himself to be the instrument of any unknown calumniator. It was then declared the Government would not tolerate so mischievous an abuse. It would be with undissembled regret that the Government should find itself constrained to exercise the chastening power vested in it; nevertheless Mr. Buckingham was informed that the Governor-general in Council would not shrink from its exertion, where he might be conscientiously satisfied that the preservation of decency and the comfort of society required it to be applied. The Chief Secretary therefore ended with this intimation, that should Government observe that Mr. Buckingham persevered in acting on the principle which he had now asserted, there would be no previous discussion of any case in which he might be judged to have violated those laws of moral candour and essential justice, which are equally binding on all descriptions in the community; he would at once be apprized that his licence to reside in India was annulled; and he would

be required to furnish security for his quitting the country by the earliest convenient opportunity.

131. We then recorded the following resolutions: that under the opinion expressed by the advocate-general in his letter of the 9th July, the Governor-general in Council did not deem it expedient to direct that any legal measures should be adopted with a view to the punishment of Mr. Buckingham, the editor of the Calcutta Journal, for the publication of the offensive and highly improper remarks contained in the Calcutta Journal of the 2d and 3d July.

132. In the official communication which had been made to Mr. Buckingham by order of Government, he had been distinctly apprized of the serious displeasure felt by Government at his proceedings, and had been fully warned of the measure which Government would be compelled to pursue towards him, in the event of his persisting in a similar course of conduct.

133. With reference to the purport of that communication, it appeared to Government to be then unnecessary to require from Mr. Buckingham a public apology for the specific offence which had led to the correspondence above referred to.

134. A communication was addressed to the Lord Bishop, of the tenor of our proceedings with respect to Mr. Buckingham.

135. We must not omit to state, that Mr. Buckingham transmitted a reply to the letter above quoted, in which he employed a long detail of sophistry professedly in vindication of his conduct, but in reality intended to uphold and maintain the principle, that he was at liberty to utter what he pleased from his press, unshackled by any other responsibility or restraints than those imposed by the law on public writers in England.

136. Mr. Buckingham was informed, in answer, that his letter had produced no change in the sentiments of Government already communicated to him.

137. Your Honourable Court will find the correspondence to which the preceding observations relate recorded on the Consultations respectively noted in the margin of this address.

Consultations,
3 Aug., No. 7.

Consultations,
3 Aug., No. 8.

Consultations,
10 Aug., No. 37.

Consultations,
10 Aug., No. 38.

Consultations,
17 July, Nos. 1 to 3;
3 Aug., Nos. 1 to 8;
10 Aug., Nos. 37
and 38.

EXTRACT PUBLIC LETTER from *Bengal*; dated 1st January 1822.

53. IN almost every letter which we have addressed to your Honourable Court from this department since Mr. Buckingham undertook the editorship of the newspaper called the Calcutta Journal, we have been compelled to notice some infringement on his part of the rules prescribed by Government for the regulation of the periodical press of this presidency. His offences in each succeeding instance have evinced an increasing resolution to disregard the orders of Government, and in the cases which we are now about to report, he has not scrupled to assume a tone of defiance of our authority, which, whatever may have been our past lenity towards his former acts of contumacy, we have found it impossible, without compromising the dignity of Government, to overlook.

54. We have first to request the attention of your Honourable Court to the extracts from the Calcutta Journal of the 1st, 2d and 3d of November last, recorded on the Consultation of the annexed date. Our limits not admitting of our introducing the above factious productions at length into the body of this letter, we must beg leave to refer your Honourable Court to the Consultation just quoted. We conceive that the tenor and spirit of those publications displayed a deliberate design to obstruct the course of justice, first, by influencing those whose duty it might be as jurymen to try the indictment which had been found against the editor of the Calcutta Journal, and, secondly, by rendering odious both the grand jury who found the bill, and the prosecutors by whom the indictment was preferred. We stated these sentiments to the advocate-general, with an intimation, that if our opinion with regard to the object and spirit of the publications in question should appear to him to be correct; if the offence should be viewed by him as one of serious malignity, and capable of being legally established, we would deem it essentially requisite that early measures should be adopted for commencing a criminal prosecution, by information or otherwise, against the editor of the Calcutta Journal; and we authorized and desired the advocate-general to take such steps for that purpose as he might judge most expedient, provided his opinion on the question should correspond with that of Government.

Consultations,
9 Nov., No. 4.

Consultations,
5 Nov., No. 3.

55. The advocate-general, in reply, stated his opinion, that the matter contained in the passages referred to was in the highest degree illegal and mischievous, and that this was a proper case for an application to the Supreme Court for a criminal information, that such attempts to overawe and disturb the administration of justice in its ordinary channels, might be punished and restrained.

Consultations,
9 Nov., No. 5.

56. Mr. Spankie observed, that he could not entertain any doubt that the court would grant the application, and that a jury would convict the offender, as he conceived no lawyer could doubt the illegality of the publications in question; or any honest man doubt their criminal intention and their mischievous tendency.

57. Upon this occasion Mr. Spankie suggested the expediency of retaining the services of Mr. Smoult, both on account of the indisposition and absence of the Company's attorney, and Mr. Smoult's having been employed in the case out of which the present one originated, which would render his assistance in this matter very desirable. For the same reason, on account of the importance of some questions that might arise, should a prosecution by information be adopted, Mr. Spankie also suggests the expediency of retaining Mr. Compton as counsel for the prosecution.

Consultations,
9 Nov., No. 6.

58. In consequence of this most decided opinion of the advocate-general, we desired Mr. Spankie to proceed to apply to the Supreme Court for a criminal information against the editor of the Calcutta Journal for publishing the passages referred to. We also approved the suggestion of Mr. Spankie regarding Mr. Smout and Mr. Compton.

Consultations,
7 Dec., No. 1.

59. The institution of these proceedings led to still greater outrages on the part of Mr. Buckingham, as your Honourable Court will perceive by a perusal of a minute written by Mr. Adam, and recorded on the 7th of December.

60. Mr. Adam stated, that he felt it his duty to bring to the notice of the Board the following passage in the Calcutta Journal of the 9th of November.

"It appears that very different scenes are acting, and very different opinions prevailing in England and India on the subject of the press, and the extent of patronage given to its freedom in this country. We hardly know whether we may make comments of our own, or whether we may even republish those of others. If the speech of Mr. Windham, so long numbered among the dead, be held libellous in India, because of its truth, we shall hardly be able to promise our readers their accustomed gratification, in presenting to them both sides of a question discussed in Parliament, or to publish anything probably but Government orders, births, deaths and marriages, and choice loyal effusions from John Bull and the Courier. Such is the boon of a free press in Asia, with which the world has rung for the last three years; and the praise of those who knew not what awaited it is not even yet at an end. Such is the salutary control of public opinion on supreme authority, and the value of a spirit to be found only in men accustomed to indulge and express their honest sentiments."

61. The passage above quoted, Mr. Adam observed, was intended as a comment on the announcement of the motion made by the advocate-general in the Supreme Court on the preceding day, for a rule to show cause why a criminal information should not be filed against the editor of the Calcutta Journal, for certain passages in his papers of the 1st, 2d, 3d, and 6th of that month, namely, those to which the 54th and following paragraphs of this letter refer. It was followed by an article, headed "Freedom of the Indian Press," and containing an extract from a Glasgow paper, alluding to the popularity acquired by the Marquess of Hastings for having established the liberty of the press in India.

62. The words introduced as quotations in the passage above transcribed, were taken from the answer of the Governor-general to the address of the inhabitants of Madras in 1819; and it was to this part of the publication, Mr. Adam observed, that he was desirous of drawing the attention of the Board. Hitherto, whatever had been the offences of the editor of the Calcutta Journal against the authority and dignity of the Government, and the order and decorum of society, he had abstained from direct personal reflections on the Governor-general. Indeed, he had studiously distinguished between the Governor-general individually and the Government, ascribing all those measures which he chooses to characterize as tending to check the progress of free discussion, to the Civil Board collectively, in contradistinction to, and as he would have it implied, against what he assumed to be the personal feeling and disposition of the Governor-general. This policy on the part of the editor, Mr. Adam continued, was perhaps best met with the contempt which it had received; but the present attack was too grossly personal to the head of the Government to be treated in the same manner. Whatever general observations might have been thought suited to the occasion, it was at least to be expected that a sense of common propriety and of respect both for his Lordship's person and public station, would have restrained the editor from such an unprecedented licence. Everybody knew the passages quoted to have been taken from his Lordship's speech, not only from the publication of the document itself, but from Mr. Buckingham's repeated citations of those passages, when it was his object to give them a construction in favour of his assumption of a latitude they were never intended to convey. He of all men could least plead ignorance of their real meaning; for besides the clear purport of the speech itself, and the qualifications with which the sentiments regarding the advantage of public discussion of the acts of Government were accompanied, he had been repeatedly and authoritatively corrected for acts which he had attempted to defend on his own construction of that speech. His perversion of it on the present occasion, in a manner still more grossly and personally offensive, seemed to Mr. Adam to demand the most serious notice of the Board.

63. Mr. Adam then remarked, that it would be a waste of words to point out the evil consequences of such a procedure. He had no hesitation in avowing his belief, that Mr. Buckingham's object was to destroy, as much as was in his power, the deference and respect which had up to this time been uniformly shown towards the head of the Government, and consequently to weaken his authority, and bring his administration into contempt. That this single pitiful attempt would not have that effect, might be admitted; but if Mr. Buckingham was at liberty to bring the person of the Governor-general into discussion, every other man who might be dissatisfied with the decision of Government, was equally so, and would naturally follow an example so congenial to his disposition, sanctioned, as in his opinion it would be, by the impunity of the first offence. The mischief that must result from the extension of such a spirit throughout the service, and especially its baneful influence on the minds of the young and inconsiderate, who were most likely to be misled by it, were too manifest to be insisted on. That the seeds of much mischief had been already sown by the writings of the editor of the Calcutta Journal, and those who, to their own disgrace and to the signal failure of their duty to the Government and the Company, had combined to support him in his career of indolence and audacity, was, Mr. Adam feared, the case; and though he thought the evil had not spread so wide

as to be beyond correction, he could not contemplate its continued progress without serious alarm, and the strongest conviction that it was the duty of the Government to interfere to check it, by the application of the powers which the law had placed in its hands for its own security and the welfare of the community over which it presides.

64. Mr. Adam observed, that he would forbear from entering at present more fully into this most important branch of the general question; the most proper time for such discussion would be after the result of the present proceedings in the Supreme Court, and their effect in checking the excesses of the press should be known. Mr. Adam, for his own part, had never had any confidence in appeals to a court of law, as the means of effecting that object, and had invariably thought that the Government should protect itself by the means which the law had given it for that purpose; that the Government would in the end find it necessary to resort to those means under any issue of the pending trials. Mr. Adam felt intimately persuaded, whenever that period should arrive, the proceedings of Government could not be confined to the merely ostensible organ of the party which was arrayed against the Government and the peace of this community. That such a party existed was undoubted, though it was difficult to conceive the motives by which its members were influenced. Little would be effected if that combination was not broken, nor was it tolerable that the servants of the Government, and men living here under its licence and protection, should band themselves against it, and act in declared and systematic defiance of its authority. A more direct reference to the known leaders of this faction was not called for at the present moment; but should it become necessary hereafter, he would not shrink from the duty imposed on him.

65. Mr. Adam added, that it appeared to him, that there could not be a more proper case for interference than the outrage he had thus brought before the Board. Nothing could be more calculated to wound the authority of the Government, to revolt the feelings of the sober and sensible part of the community, and to give activity to the vicious spirit of the ill-disposed, than an insult to the head of the Government in the face of the world, by a person who openly professed to act in defiance of authority and law. The Government, Mr. Adam said, must carefully discriminate the effects of such a procedure in England, and in a society and under a Government so peculiarly constituted as those of India. It was too trite and obvious to require remark, that what might be wisely and safely treated with neglect and contempt there, might produce the most deplorable consequences here. In conclusion, Mr. Adam observed, that on a full view of the case, he should think it his duty to propose the severest measure of punishment which this Government could legally inflict, if he were not dissuaded from that course by the circumstance of the prosecution now pending against Mr. Buckingham in the Supreme Court. His removal from the country at this time would be too sure to be misrepresented and misunderstood, besides that it would operate as an obstruction to the course of justice. Till those trials were concluded, therefore, he should feel that nothing but some act more grossly outrageous than even the present, ill as he thought of it, would warrant a resort to that extremity. But though on this account he felt himself restrained from proposing the only adequate remedy for this serious and spreading evil, he was desirous that the offensive publication, together with his own sentiments and those of the Board collectively on it, should be placed on record, both to mark their reprobation of the act, and that they might have the power of recurring to the subject at such time and in such manner as circumstances might hereafter render expedient, as well as that Government might not be supposed by the authorities at home to have overlooked so flagrant an attempt to impair the just authority of the Government, and to wound its character and honour in the tenderest point, the good faith of the Governor-general.

66. The minute which the Governor-general recorded after the perusal of Mr. Adam's Consultations, contains the following observations. That his Lordship saw, as distinctly as Mr. Adam did, the seriously hurtful effects which must be produced among the young officers of the Honourable Company's army, and even among many unexperienced civil servants, by continued instigation calculated to excite in them the notion that they, and not the legitimately established members of Government, were the competent and proper judges of what is expedient for the maintenance of the British interests in India. The regulation of European society in a country so peculiarly circumstanced as this is, his Lordship remarked, must be acknowledged by every one as of primary importance towards the security of our tenure. And his Lordship fully subscribed to the observation of Mr. Adam, that a class of observations which, though censurable, are attended with little inconvenience in England, might here cause most dangerous impressions. It was therefore not on the principle that his Lordship would differ from Mr. Adam, but as to the mode and moment for acting upon it; nor was there even in this respect, his Lordship remarked, so much discrepancy between their conceptions as might at first appear. No man could view with less tolerance than his Lordship did the practice of circulating anonymous insinuations against individuals in a newspaper. Whether the editor lends himself for pay as the instrument for private malice, or acts upon the speculation of extending the sale of his journal by making it a field for acrimonious controversy, was indifferent. The comfort of society was violated in the equal profligacy from either motive. Consequently, his Lordship could not be desirous to extend impunity to any one who should proceed on so vile a system.

67. Beyond the leaning of his own disposition, just expressed, his Lordship said, he felt pointedly the obligation attaching on him in his public capacity, to curb an evil so injurious to the peace and harmony of our limited community. But the transgression had not been unchecked. The interference of the Supreme Court had been claimed. Mr. Adam, doubting the sufficiency of that interposition, pointed at the more direct means possessed

by Government for punishing abuses of the description in question. His Lordship could have chastened the offence by a summary procedure, with the command of which the law has entrusted him. In reference to that provision, it might be said the putting forth the extreme of corrective strength was not desirable, unless in instances of palpable urgency. The authority to which his Lordship alluded, if executed, left no room for mitigation of sentence. The Governor-general could pronounce nothing but an annulment of the licence, accompanied by an order to quit India, and cases might readily be imagined in which the removal would be the total ruin of the individual. The call for the enforcement of such a penalty should therefore be broadly visible. This precaution was not stated, his Lordship remarked, as requisite for the credit of the Governor-general, but as expedient for the vindication of a power absolutely necessary towards the stability of our dominion in this country, yet invidiously contemplated at home. Hence recourse to so overwhelming a severity should be determined not only by the internal conviction of him who applies it, that it is rigidly demanded, but also by his persuasion that the pravity of the offender and the amount of the offence would be so generally recognized as to make the rigour of the infliction appear fitly apportioned. His Lordship then observed, that the discussion about to take place in the Supreme Court would exhibit the true quality of Mr. Buckingham's conduct. Should he be acquitted, then the Government, by having resorted to a trial, had avoided the inconvenience of a harsh procedure in a disputable case. Should the verdict be against him, then the equity of a subsequent removal, which his Lordship, with Mr. Adam, anticipated, Mr. Buckingham's entailing by renewed improprieties would stand manifest on the foregone judicial decision.

3. In conclusion, his Lordship adverted to Mr. Adam's having identified the delinquency of Mr. Buckingham with an actively perverse spirit which had shown itself in a knot of persons residing in Calcutta. To a certain degree, there was connection, his Lordship allowed, still not so clear as to take away from Mr. Buckingham the right of being judged solely on the overt acts now arraigned in court. His Lordship admitted fully the mischievous effects which had been produced, and might be further extended, by the intemperance of the little confederacy; but he was willing to believe, that the gentlemen who composed that association were unconscious of the objectionable tendency of the ebullitions in which they indulged themselves, only seeking a factitious consequence and distinction by a course on which they had not justly reflected. That they should have devised any political object of pursuit seemed altogether unnatural; his Lordship, therefore, was not without hope that a sense of their incorrectness might be awakened in them by the judicial reprehension which it was likely to suffer in the person of their tool, and that they might thence slide back into more prudent habits. His Lordship added, that he should view the matter very differently were there, as was widely reported, a subscription entered into for the purpose of supporting Mr. Buckingham under the pending prosecutions. Howsoever positively he had had this information communicated, he doubted its accuracy, from the improbability that men in their stations would so commit themselves. Were the fact substantiated, his Lordship could not but hold such an avowed prejudication of the case in the light of a highly culpable attaint to the administration of justice, and an indefeasible disrespect to this Government. With that sentiment regarding the measure, his Lordship should certainly feel himself bound to concur in visiting it with the most decisive castigation.

Consultations,
7 Dec., No. 3.

69. Mr. Fendall stated his concurrence in the sentiments expressed by Mr. Adam on the gross and offensive attack which the editor of the Calcutta Journal had made on the Governor-general, and expressed his opinion that Mr. Buckingham had forfeited his claim to the protection and countenance of this Government. Mr. Fendall remarked that, exclusive of the passage so properly animadverted upon by Mr. Adam, the general tenor of the editor's publications must have a very baneful effect upon the minds of the dissatisfied and the younger part of the service, and which must sooner or later be met by its proper punishment. Mr. Fendall remarked, that the repeated warnings which Mr. Buckingham had received from Government, and the lenity which was shown towards him on a late occasion, appeared to him to have had no other effect upon Mr. Buckingham than producing a more intemperate and offensive style of language in his journal; and Mr. Fendall stated that he saw no probability of lenient measures effecting a more temperate line of conduct. Under the present circumstances in which Mr. Buckingham was situated, Mr. Fendall admitted it would be improper to proceed to the extent of the punishment which was vested in the hands of the Governor-general; but whatever might be the result of the prosecutions now pending against the editor of the Calcutta Journal in the Supreme Court, Mr. Fendall felt it his duty to express his reprobation of the conduct of Mr. Buckingham for the offensive language he had used against the Governor-general in the publication before alluded to, and that he should cheerfully afford his support in maintaining the dignity and responsibility of the Governor-general, as well as in curbing the licentious spirit which the Calcutta Journal had afforded the means of disseminating through the country.

Consultations,
7 Dec., No. 4.

70. Mr. Stuart having perused the foregoing minutes relative to the offensive conduct of the editor of the Calcutta Journal, remarked, that as the recency of his return had made him imperfectly acquainted with the transactions which had called for the animadversions of the Governor-general and his colleagues, he should beg the Board's permission to reserve his sentiments until the question might be revived in a more definite shape.

71. The trial of Mr. Buckingham has not yet come on in the Supreme Court, and is expected to be postponed to a future sessions. No further proceeding has therefore been held on the subject of the preceding paragraphs.

EXTRACT PUBLIC LETTER from *Bengal*; dated 1st July 1822.

92. EXTRACTS from Sir J. Malcolm's Report on Malwa having appeared in the *Calcutta Journal* of the 22d of April last, and the editor having announced his intention to publish further portions of that work in his paper, we directed the acting chief secretary to intimate to Mr. Buckingham, that the report in question was an official document, on which the orders of your Honourable Court had not yet been received, and not at present destined for general publication, and to express the desire of Government that he would refrain from inserting any further extracts from that report in the *Calcutta Journal* without the sanction of Government, since it might awkwardly involve the person who had imparted to him a document received by him as, for the present, confidential. A similar communication was also addressed to the editors of the other newspapers.

Consultations,
22 April, No. 1.

93. Mr. Buckingham, in reply, stated that he had not received the acting chief secretary's letter in time to substitute any other matter for a further portion of Sir J. Malcolm's Report destined for the next day's paper, and that he trusted Government would pardon the necessary evil, if it was one.

Consultations,
3 May, No. 1.

94. The acting chief secretary reported to us that Mr. Buckingham's letter was received by him at too late an hour to enable him to take the orders of the Governor-general and the members of Council in circulation; and as the emergency of the occasion required that a reply should be sent without delay, the acting chief secretary, from his knowledge of the sentiments of Government, addressed an answer to Mr. Buckingham, the draft of which Mr. Lushington submitted to the Board. In that letter, the acting chief secretary informed Mr. Buckingham, that from his knowledge of the sentiments of Government, he was enabled to state that the reasons assigned by him for refusing to conform to the orders of the Governor-general in Council would be entirely unsatisfactory, as he received Mr. Lushington's letter, according to his own statement, at five o'clock, an hour sufficiently early to render the excuse which he had adduced unavailing. We approved and confirmed Mr. Lushington's letter written under the above circumstances, and ordered it to be recorded.

Consultations,
3 May, No. 2.

96. We have discharged a bill for 2,587 l. 4s.; received from Mr. Smoult, attorney-at-law, on account of law expenses incurred in the case of the Government against Mr. Buckingham, editor of the *Calcutta Journal*, for a libel.

Consultations,
16 May, No. 38.

GENERAL DEPARTMENT.

TO the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of *England* trading to the *East Indies*.

Honourable Sirs,

ON the 17th May last, Mr. Adam presented a minute to the Board, calling its attention to the publication in the *Calcutta Journal* of that day of a letter signed "A Military Friend," which seemed to him to contain matter which the Government could not pass over, with any regard to its own dignity or authority, or the interest of the public. Mr. Adam declined to dwell on the mischievous tendency and insulting tone of that letter, and abstained from making any specific proposition respecting it, his immediate object being only to engage the attention of the Board to a subject which was, Mr. Adam stated, every day assuming greater importance, and which sooner or later must be met by a decided resolution.

Consultations,
27 June.

2. The Board, after considering this minute, resolved, that Mr. Buckingham, the editor of the *Calcutta Journal*, should be called upon to state, for the information of Government, the name, designation, and address of the writer of the obnoxious letter in question. Mr. Buckingham, after some hesitation, complied with the requisition of Government, and the author of the production in question proved to be Lieutenant-colonel W. Robison, commanding His Majesty's 24th regiment of foot.

3. On receiving this intelligence, we recorded a resolution, purporting that we deemed it inexpedient for the interests of the Honourable Company that the said Lieutenant-colonel Robison, unless he could disprove the charge above made against him by the editor of the *Calcutta Journal*, should be placed in any situation where an important trust might devolve upon him. Your Honourable Court will comprehend this as pointing at the principles which his language and example would be likely to instil into your officers, should he succeed to a command which brought numbers of them into contact with him. We furnished the Commander-in-chief with a copy of the resolution in question, and requested his Excellency to act in consonance to it. The measures which his Excellency accordingly adopted with regard to Lieutenant-colonel Robison, were communicated to the Government, and the report of them is recorded on our proceedings.

4. It is proper to state, that on a subsequent day Mr. Adam recorded another minute, bringing to the notice of the Board further publications of Mr. Buckingham, and proposed, after stating his opinion of the case at length, the following resolutions:

Consultations,
27 June. See *Calcutta Journal* 20th & 21st May 1822.

1st. That Lieutenant-colonel Robison be removed from the command of his regiment, and directed to proceed to England, to await the final judgment of His Royal Highness the Commander-in-chief.

2d. That this resolution, and the causes of it, be published to the army, in general orders, with observations and injunctions to the effect stated in a former part of this minute.

3d. That Mr. Buckingham's licence to reside in India be withdrawn, and that he be desired to embark for Europe within a time to be specified.

5. Mr. Fendall and Mr. Bayley expressed their entire and cordial concurrence in Mr. Adam's proposition. Those propositions, as they related to Lieutenant-colonel Robison, were adopted in a modified form; but the Governor-general conceiving that the punishment proposed to be inflicted on Mr. Buckingham was too severe for the offence, when he had given up the author, and his Lordship having received two letters from Mr. Buckingham, which his Lordship considered to give a satisfactory assurance of his better behaviour in future, declined to assent to the proposition for withdrawing his licence.

6. Mr. Adam's proposition was accordingly negatived by the single dissentient vote of the Governor-general, under the powers vested in his Lordship by the provisions of 33 Geo. 3, c. 52, s. 47.

Consultations,
27 June.

7. Mr. Adam made a short written reply, which does not require particular notice in this place.

8. As soon as the material difference of opinion above adverted to was ascertained, we directed that such of the documents as immediately related to it should be recorded in the Secret Department, in pursuance of the provisions of the Act of Parliament quoted in the 6th paragraph of this letter.

Consultations,
27 June.

9. The length of the minutes in question, as well as the opposite views they contain of the question, precluding us from embodying their respective contents in this despatch, we take the liberty of referring your Honourable Court to the accompanying copies of them, which form enclosures in the packet, together with the other documents to which they relate.

Consultations,
27 June.

10. We beg leave also to call the attention of your Honourable Court to the enclosed transcript of a letter, dated the 9th ult., addressed to the Government by Lieutenant-colonel Robison, on the receipt of the resolutions of the Governor-general in Council above referred to, the letter in question being of a tendency highly offensive to the Government and the Commander-in-chief; the original of it, after having been perused by the members of Government, was in consequence of the determination of his Excellency the Commander-in-chief to bring Lieutenant-colonel Robison to a court-martial at Bombay, and according to the advice of the advocate-general, transferred to his Excellency for the purpose of being forwarded to that presidency, an attested copy having been retained for record.

Consultations,
12 July.

11. The Commander-in-chief having adopted such prompt and decisive measures with relation to Lieutenant-colonel Robison's letter, we did not deem it necessary to pass any orders on it on the part of the Government.

We have, &c.

(signed)

Hastings.

J. Adam.

John Fendall.

W. B. Bayley.

Fort William, }
19 July 1822. }

GENERAL DEPARTMENT.

TO the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of *England* trading to the *East Indies*.

Honourable Sirs,

THE continued misconduct of Mr. Buckingham, the editor of the *Calcutta Journal*, having compelled us at length to adopt the decisive measure of withdrawing his licence to reside in India, and directing him to quit the country, we deem it proper to lose no time

Letter, dated

31 July 1820, par. 152 to 158; in reporting the circumstance for the information of your Honourable Court.
2 Apr. 1821, par. 139 to 149; Our several communications on the subject of Mr. Buckingham, and more especially the documents transmitted with our letter of the 17th October last,
1 Oct. - par. 110 to 137; will have placed before your Honourable Court a full view of the conduct of
1 Jan. 1822, par. 53 to 74; that person, as well as of the sentiments entertained by the members of the
1 July - par. 92 to 94; Government respectively of that time, both with regard to the proceedings of
19 July - Mr. Buckingham in particular, and to the general question of permitting an
17 Oct. - unrestricted press in India.

2. The publication which has been the immediate occasion of the measure now reported, is enclosed as a number in the packet; it was laid before us by the Governor-general, who for the reasons stated in his minute (a copy of which, and of the minutes of the other members of the Government is also enclosed), proposed to the Board that Mr. Buckingham's licence should be withdrawn. The Commander-in-chief and Mr. Fendall having expressed their entire concurrence with the proposition, and Mr. Harrington having assented to it under the reservations stated in his minute, orders were issued for carrying it into effect in the terms of the enclosed papers.

3. It can scarcely be necessary to point out to your Honourable Court the mischievous tendency of the principles on which Mr. Buckingham has professed to conduct his paper, and of the unwarrantable licence he has on many occasions assumed of criticising and reflecting on particular measures of Government, and on other topics equally beyond his competence

competence. That principle is again brought forward, and supported by argument in the paper of the date following that in which the publication before referred to is contained. The sentiments of the majority of the late Government, on the dangerous consequences of admitting the active operation of that principle in a community constituted like that of our Indian possessions, need not be insisted on in this place. The particular paragraph now under notice is no otherwise deserving of the slightest attention than from its being a practical assertion of the privilege claimed by Mr. Buckingham to pass his own judgment upon, and to hold up to the censure or ridicule of his readers, any public measure or proceeding which may not meet his approbation.

4. It is wholly unnecessary to warn your Honourable Court against Mr. Buckingham's sophistry, in representing his remarks on Dr. Bryce's appointment to be clerk to the committee of stationery, as the single cause of his expulsion from India. The whole tenor of his conduct and avowed principles, and the repeated warnings he has received of the consequences of persevering in the same course, must be taken into view in considering this question. With regard to the appointment of Dr. Bryce, the Governor-general, with whom it originated, and who is solely responsible for the measure, desires to state, that he did not resolve on proposing it till he had satisfied his own judgment that it might be held by Dr. Bryce without any derogation from his sacred functions, and that it was free from any well-founded objection, and he has in no respect changed his opinion. However this may be, the merits of the question as referring to Mr. Buckingham are not at all affected, since it was not for him to condemn in gross terms, and ascribe to impure motives, an appointment deliberately made by the highest authority.

5. To put an end to a practice fraught with such mischievous consequences, it has appeared to us a measure of indispensable duty, to take the step now reported. No course was indeed left to us, but to allow him to proceed in the unrestrained prosecution of his plans, or to remove him from the country, since his offences were of a character that could not easily be marked by the means of legal proceedings in a court of justice, though in their consequences infinitely more mischievous than many for which such a remedy ought to be resorted to. They are indeed, in our judgment, precisely of that class of offences against which it was one of the primary objects of the Legislature to protect the governments of India, by furnishing it with the powers conferred by the law under which we are now acting.

6. In order to afford Mr. Buckingham time for the adjustment of his affairs, we have fixed the 15th of April next, as the date beyond which his residence in India will not be permitted. In fixing that period we were naturally influenced, in some degree, by the tenor of the provision of the Act having reference to eventual legal proceedings against persons in the condition of Mr. Buckingham, and also by a desire to inflict no unnecessary hardships upon the offender, how little soever deserving of consideration. We have reason to regret our having been swayed by these or any other motives to show him any indulgence, as he appears, from the tenor of his subsequent* publications, determined to avail himself of the remaining period of his residence for the purpose of insulting and defying the Government. Copies of those publications are enclosed. We have under consideration, in communication with the advocate-general, the course of proceeding which it may be proper to pursue under these circumstances; but we are apprehensive that the early dispatch of the Marchioness of Ely may prevent our announcing to you by that conveyance the result of our deliberations. Your Honourable Court will observe also that Mr. Buckingham signifies his intention of placing the conduct of his paper, during what he terms his temporary absence, in hands which are not tangible except by the process of law. Some such expedient was to have been expected. We do not apprehend much inconvenience from the execution of this threat; and we shall immediately proceed to the adoption of such measures as may be calculated to meet the case.

* *i. e.* Papers of the 14th and 15th of February.

7. The time to which we are limited does not admit of our entering more fully into this question at the present moment, but we shall at an early period make a further communication to your Honourable Court. It is unnecessary to press on your attention the deep importance of the subject. Mr. Buckingham has now more openly than ever arrayed himself and his cause in direct opposition to the Government of this country, and has declared his intention of endeavouring to effect the repeal of these laws with which the Legislature has thought fit to arm the local government of India for the public good. We entertain no apprehension of his success, whatever clamour he may succeed in exciting for a time among the ignorant and ill-affected, and we commit the cause confidently to the wisdom and judgment of your Honourable Court. It will be our duty to employ the means which the law has given us, to protect the local interests under our charge from the evils resulting from an unrestrained press in India, conducted on the principles professed and acted on by Mr. Buckingham and his abettors, and we rely on the support of the authorities at home, to which alone we are responsible.

We have, &c.

(signed) J. Adam.
Edward Paget.
John Fendall.
J. H. Harington.

Fort William, }
15 February 1823. }

TO the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of *England* trading to the *East Indies*.

Honourable Sirs,

In our despatch of the 15th instant, we had the honour to report the measure we had adopted with regard to Mr. Buckingham, the editor of the *Calcutta Journal*, and we now proceed to submit a statement of our further proceedings and intentions in that case. We beg however, in the first place, to call the attention of your Honourable Court to the enclosed copy of a minute recorded by Mr. Harington, from which you will perceive that a careful and deliberate perusal and consideration of the former proceedings of Government relative to Mr. Buckingham, has induced him fully to concur in the resolution passed on the 12th instant, to which he had previously given a qualified assent only. The copy of a fiftieth minute recorded by the Governor-general is also enclosed.

2. In our despatch above referred to, we stated that Mr. Buckingham had abused the indulgence given to him of a period of two months to prepare for his departure, by publishing some violent and indecent articles in his paper, and that we had under consideration the measures which it might be proper to adopt to prevent a continuance of that line of conduct. We accordingly directed a communication to be made to the advocate-general, in the terms of the letter of which a copy is enclosed. It was with much concern and disappointment that we learned from Mr. Spankie's reply, a copy of which is enclosed, that the Government does not, in his opinion, possess under the Act of Parliament any power of annulling Mr. Buckingham's licence, and removing him from the country at an earlier period than that fixed in the original order, namely, the 15th of April next. That time was fixed in communication with the advocate-general, under a construction of the Act, according to which, the period of two months, within which legal proceedings against an individual found in the country after the annulment of his licence are inhibited, was held to apply equally to the removal of the party from the country. That construction is however now given up, and there is no doubt that we were competent to annul the licence, from the very day on which notice was given. Still Mr. Spankie is of opinion, that having once declared the date on which the licence was to become void, it cannot now be altered, even though a new and substantial offence be committed subsequent to that for which the original forfeiture was declared. We confess that we cannot concur in this construction; but as we should not be justified, except in circumstances threatening great and imminent political danger, in acting against the deliberate opinion of the advocate-general on a question of law, we had no option but to consider such other means as remained in our power of coercing the conductors of the *Calcutta Journal* into a line of conduct compatible with their duty to Government, and the maintenance of just and lawful authority. It is obvious however, that, while we are without the power of removing Mr. Buckingham from India, any measures directed to the former object would, in the event of his protracting his stay till the date assigned, involve us in a personal contest with him during the remainder of his residence here, which in the disadvantageous circumstances under which we are placed by the above construction of the Act, it is extremely desirable to avoid. It is further, in our judgment, expedient to keep distinct the question referring to Mr. Buckingham's individual offences and the matter immediately arising out of it, from the general measures to be taken for suppressing the licentiousness of the press in the hands of India-born or other editors, who cannot be summarily removed, and to suspend any measures for the latter purpose until the proceeding directed against Mr. Buckingham personally shall be completed, by his actual removal from India. Mr. Buckingham is understood to have made arrangements for returning to England in a ship which will leave the river in a few days, and under the circumstances stated, it is obviously undesirable to take any measure which might prevent his carrying this intention into effect.

3. It is painful to us to incur any delay, however short, in the adoption of measures for preventing the circulation of the scurrilous abuse against the Government, and the Governor-general personally, with which the *Calcutta Journal* has teemed since the promulgation of the order regarding Mr. Buckingham; but on a cool and dispassionate balance of the comparative evils, we have determined to submit to the latter, in the expectation that it will enable us more effectually to strike a decisive blow at the system. Did we not contemplate such a result, we should view with serious alarm the consequences of such publications going on unchecked; but with that prospect in view, we trust that the momentary ill effects of them will ultimately be overcome by the final suppression of the mischief.

4. We deem it proper to submit to your Honourable Court a copy of Mr. Buckingham's reply to our secretary's letter of the 12th instant, and copies of the *Calcutta Journal* from the 17th instant to the latest date, including a separate publication in Mr. Buckingham's own name. The perusal of these papers will show your Honourable Court, and every impartial and reflecting person under whose inspection they may come, the spirit in which an unrestricted press in India is likely to be conducted, and will, we feel satisfied, induce your Honourable Court to take measures for obtaining a legislative enactment for giving the local government the power of restraining it. We have already submitted to you the expediency of obtaining a licensing Act. Such an Act, we respectfully submit, ought to authorize the summary imposition and enforcement of heavy fines, to be repeated for each offence, or the actual suppression by force of a printing establishment offending against the regulations, and the seizure and confiscation of the materials of trade.

5. It remains for us to state to your Honourable Court the measures we have in view for maintaining a control over the Calcutta Journal, and other papers, conducted by persons not being British-born subjects, who may similarly offend.

6. Within the jurisdiction of the Supreme Court our powers are necessarily limited by the actual provisions of the law; but we are encouraged to hope, after consulting the advocate-general, and other legal authorities, that the concurrence of the Supreme Court may be obtained to a bye-law empowering Government to license printing offices within the town, and to punish by fine any violations of the rules which may be laid down. If this can be effected, we shall be able to keep the evil in check, till we shall be clothed with the more ample and efficient powers, which we trust, through the intervention of your Honourable Court, will be granted to us by the wisdom of Parliament; the necessary forms of proceedings required by the law will prevent this measure from coming into immediate activity, and earlier steps will probably be necessary for preventing the circulation of the paper throughout the provinces, and to the other presidencies where the principal proportion of the subscribers reside, and where the doctrines disseminated by the Calcutta Journal are most likely to be mischievous.

7. By interdicting the transmission of the Calcutta Journal by dawk, and taking suitable precautions to prevent any evasion of our orders, we feel confident that we shall succeed in confining its circulation beyond Calcutta within very narrow limits, and we shall be prepared to take this step, after due warning to the editor, if the paper be not conducted according to the spirit of the regulation prescribed by the Governor-general in Council. No just or well founded objection can be afforded to this measure, for it cannot reasonably be expected that Government shall lend the aid of its own establishments to circulate a paper published in defiance of its regulations, and conducted on principles directly subversive of its authority. We can have no wish, however, to continue the operation of this interdict beyond the period of absolute necessity; and if satisfactory assurance is afforded of the intention of the editor and proprietors to conduct the paper according to those principles of regularity and public decorum which we have a right to demand, we shall willingly re-admit it to the same privilege as the other public papers.

8. We have very few general observations to make on the subject of this letter, which will not readily suggest themselves to your Honourable Court. The important consequences of your decision to the future interests of this empire need not be insisted on. We cannot permit ourselves to doubt your confirmation of our procedure, and your prohibition of Mr. Buckingham's return to this country; and we entertain a confident hope that the specimens now laid before you, of what may be expected from the operations of a free press in India, will lead to a serious consideration of the question, and terminate in the grant of suitable powers for restraining the press, whether conducted by natives of the United Kingdom, or any other class of persons in this country.

9. With regard to the particular act of removing Mr. Buckingham from India, we may be permitted to repeat, that it has not been occasioned by one or two acts of contumacy, but has been forced upon us, after long forbearance, by his systematic disregard of the regulations of Government, and open defiance of its orders. It was quite evident that he was resolved to bring the matter to issue, and that further toleration would have been a virtual acknowledgment of the inability of Government to curb him. He has artfully endeavoured to make it appear, that the punishment was applied for the single publication of the 8th of February; but that perversion of the truth admits of easy exposure by a simple reference to facts. If the policy of the measure be questioned, as being calculated to take the conduct of the press out of the hands of Europeans, over whom the Government has a control, and to place it in those of India-born persons and others, who cannot be summarily dealt with, we beg leave to offer the following remarks. Mr. Buckingham has uniformly maintained of late (though he did not at first venture to do so) the right of Englishmen in this country, as well as others, to print and publish what they please, and has protested against the exercise of the power of transmission applied to offences committed through the press, as an abuse of a power given by the law for other and distinct purposes. While an European was left at liberty to act without restraint, and used it with so little discretion and forbearance as Mr. Buckingham, his superior responsibility was a mere nullity, and the transfer of the business from a person not held to his responsibility, to one supposed to be actually irresponsible, is more a change in appearance than in reality. In fact, however, there are means, though not so effectual, of controlling the press by whomsoever conducted, so far at least as to prevent the general circulation in the interior, and possibly within the limits of Calcutta; and to those means the Government can and will resort, when the circumstances of the case require it. It is to be remembered also, that the persons possessing a proprietary right in the paper in question are mostly Europeans, and are all equally responsible with their hired editor for whatever may appear in the paper in contravention of the regulations. All these circumstances combined will always enable Government to exercise a certain control over it, though not by any means in a degree to supply the want of those powers which we have applied to your Honourable Court to endeavour to obtain from the Legislature, and which alone can enable us at all times to act with dignity, promptitude and effect.

We have, &c.

(signed) J. Adam,
Edward Paget.
John Fendall.
J. H. Harington.

Fort William, }
28 February 1823. }

GENERAL DEPARTMENT.

TO the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of *England* trading to the *East Indies*.

Honourable Sirs,

1. IN continuation of the subject of our despatches from this Department, of the 15th and 28th of February last, we have now the honour to report our further proceedings connected with the removal from this country of Mr. Buckingham, the late editor of the *Calcutta Journal*, and with the measures which we have pursued with a view to maintain a due control over the newspapers and other periodical publications of this presidency.

The accompanying extract from our proceedings of the 10th instant contains all the documents and correspondence on those subjects which have been recorded since the despatch of our letter of the 28th February last.

2. Mr. Buckingham proceeded to England as a passenger on board the *Sir Edward Paget*, Captain Geary, whose ship left the pilot on the 7th ultimo.

3. Previously to his departure, Mr. Buckingham availed himself of the provisions contained in the 5th section of the Act of the 21 Geo. 3, c. 65, to file in the Supreme Court an affidavit, setting forth the injury sustained by him in consequence of the recal of his licence, and of his removal from India by order of Government, and notifying his intention to prosecute his remedy at law against the Governor-general, in some competent court in Great Britain. With this affidavit was filed a petition, praying that authenticated copies of the order cancelling his licence, and of all correspondence connected with the subject, might be obtained from Government by order of the Supreme Court.

4. Mr. Buckingham having executed a bond, and furnished security for effectually prosecuting his complaint in England, an order was granted by the Supreme Court, requiring the production of authenticated copies of the resolution passed by the Governor-general in Council, depriving Mr. Buckingham of his licence. The requisition was of course complied with, and an authenticated extract of our proceedings of the 20th February last was furnished to the attorney to the Honourable Company for the purpose of its being delivered into the Supreme Court.

5. We conceive that Mr. Buckingham has had no other object in this proceeding than that of attempting to weaken the authority of the Government, and that he has no serious intentions of commencing any prosecution in England against the Governor-general for an act strictly legal in itself, and rendered indispensably necessary by Mr. Buckingham's own continued misconduct.

6. The Governor-general has not thought it necessary to take any measures to meet such a prosecution; and we shall only further observe on this subject, that if the prosecution should not be instituted and effectually proceeded in within the period specified, it seems highly desirable that measures should be taken to enforce the penalty of the bond executed by Mr. Buckingham. In the opposite event, we presume that your Honourable Court will, if our proceedings should be honoured with your approbation, give the necessary directions to your law officers to defend the suit.

V.

COPIES of all CORRESPONDENCE which has passed between Mr. *Buckingham* and the COURT OF DIRECTORS of the *East India Company*, or the COMMISSIONERS for the AFFAIRS OF *India*, relative to his CASE.

To *Joseph Dart*, Esq.

Sir,

London, 3d September 1823.

You will confer a favour on me by causing the accompanying letter to the Honourable the Court of Directors to the *East India Company* to be laid before them with as little delay as practicable, and by doing me the honour to communicate to me, as speedily as may be convenient, the Honourable Court's reply.

No. 11, Cornwall Terrace,
Regent's Park.

I remain, Sir,
Your obedient servant,
(signed) *J. S. Buckingham*.

To the Honourable the Court of Directors of the *East India Company*.

Honourable Sirs,

London, 3d September 1823.

I WAS unwilling to intrude myself on the notice of your Honourable Court until sufficient time should have elapsed for all its members, collectively and individually, to become acquainted with the particulars of the alleged offence for which my licence to reside in India was annulled by Mr. Adam, the acting Governor-general, in February last. As I have reason to believe, however, that the period is now arrived when your Honourable Court is in full possession of the merits of the case, I think it proper to address you without further delay on the subject.

My

My ground of complaint, that I have been made to suffer a most grievous punishment for a very slight offence; and that my banishment from India must have already produced to my affairs in that country more than sufficient evil, compared with what might be due to the fault laid to my charge.

My request is, that your Honourable Court will take this case into your earliest consideration, and grant me a licence to return to India, there to pursue my lawful occupation, as editor of the Calcutta Journal, without being again liable to banishment from the country at the mere will and pleasure of the Governor-general in Council, but guaranteed in the safety of my future residence in India, subject only to the laws as administered in the Supreme Court of Judicature established in Bengal for the express purpose of maintaining to the British inhabitants of that presidency the free enjoyment of their legal rights.

I have the honour to be, Honourable Sir,

Your most obedient humble servant,

(signed) J. S. Buckingham.

11, Cornwall Terrace,
Regent's Park. }

To James Silk Buckingham, Esq.

Sir,

East India House, the 17th September 1823.

I HAVE laid before the Court of Directors of the East India Company your letter of the 3d instant, requesting a licence to return to and reside in India, and I am commanded to acquaint you that the Court do not think fit to comply with your request.

I am, Sir, &c.

(signed) J. Dart, Secretary.

To Joseph Dart, Esq., &c., &c., East India House.

Sir,

London, 21st December 1823.

HAVING mislaid the reply of the Court of Directors to my application for leave to proceed to India, I beg to request the favour of your furnishing me with a duplicate or copy, which will much oblige,

Sir, your most obedient humble servant,

(signed) J. S. Buckingham.

To James Silk Buckingham, Esq.

Sir,

East India House, the 24th December 1823.

I HAVE laid before the Court of Directors of the East India Company your letter of the 21st instant, and in compliance with the request therein contained, I have received their directions to transmit to you a copy of the letter which was addressed to you on the 17th September last.

I am, Sir, &c.,

(signed) J. Dart, Secretary.

To Joseph Dart, Esq., &c. &c.

Sir,

London, 3d August 1824.

I SHALL esteem it as a great favour if you will have the kindness to lay before the Honourable the Court of Directors of the East India Company, at the earliest possible opportunity, the accompanying letter to their address, marked with the letter (A.), and the papers accompanying it in a separate packet, marked (B.), for their immediate consideration. The additional favour of as early a reply as may be compatible with the pressure of other public business will also much oblige,

Sir, your most obedient humble servant,

J. S. Buckingham.

11, Cornwall Terrace,
Regent's Park. }

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

London, 2d August 1824.

It having been publicly intimated to the proprietors of East India stock, by the chairman of your Honourable Court, that frequently repeated discussions are productive of great inconvenience to the public business of the Company, which such discussions tend to interrupt; and having myself also observed with some regret that the specific questions brought before the Court on such occasions are frequently lost sight of by speakers, who either do not perceive or will not confine themselves to the essence of the matter in debate,

I have come to the resolution of addressing myself once more to your Honourable Court by letter, partly to avoid the inconveniences above alluded to, but more particularly to lay before you, without exaggeration or disguise, a faithful statement of my present condition, and to state the grounds of my claim for redress, in so distinct and unincumbered a manner as may enable your Honourable Court to come to a speedy and final decision thereon.

The facts of my case, as stated in the petition presented to the House of Commons on my behalf by Mr. Lambton in the last session of Parliament (a printed copy of which is enclosed), being acknowledged to be correct, and the production of the papers moved for by the Hon. Douglas Kinnaird, in the Court of Proprietors, on the 9th ultimo, being opposed on the plea that even those who were hostile to the motion admitted the facts on which it was grounded, it must be quite unnecessary for me to recapitulate them here. I shall content myself, therefore, with adverting to the striking changes which have taken place since I had the honour of addressing to you my first letter on the 3d of September 1823.

At that period, the only injury of which I had to complain was, the being transported, without trial, from my friends, connexions and lawful pursuits in India, without having broken any of the laws of England, without having infringed any local regulation having the force of law in the territories subject to the jurisdiction of the Honourable East India Company, and without even a breach of those private rules issued for the guidance of the press in India, which all parties now admit not to have been law, and which were accordingly made law after I had been punished for an alleged infringement of them. My only demand then was to be permitted to return to that property and those pursuits from which I had been so suddenly and unexpectedly banished, in order that I might repair as well as I could the losses and injuries I had sustained.

At the period of my removal from India, the Calcutta Journal produced under my superintendence a profit of about 600 *l.* sterling per month, besides allowing to me, as editor, a salary of more than 100 *l.* per month, and a house worth 50 *l.* per month as a residence. Three-fourths of the property of that paper were my own, the other fourth having been disposed of in shares to gentlemen in the civil and military service of the Honourable Company, merchants, bankers, &c., for which fourth I actually received the sum of 100,000 rupees, or 10,000 *l.* sterling (at the then rate of exchange), the whole property being estimated to be justly worth four lakhs of rupees, or 40,000 *l.* sterling; yielding even then a large interest, and being capable of still further improvement. The half of the sum for which this fourth of my paper was sold, namely, 5,000 *l.*, I brought with me to England for such uses as I might require to make of it here, leaving the remaining 5,000 *l.* in India, in the full and confident hope that I should be permitted to return. The sum brought home by me has been entirely consumed in expenses arising purely out of my banishment from India, leaving me only the 5,000 *l.*, since drawn from that country, which I can now call my own. Still, however, as the Calcutta Journal, even after my departure from Bengal, continued to yield a profit of 400 *l.* per month, and could never, as long as it continued to exist, have fallen below 300 *l.*, I considered the necessary expenditure, and I may say total loss of the sum brought with me from India, as of less importance than I now do, since I then thought that I might safely count on the permanent receipt of 2,000 *l.* a year at least from my property there, property which I, and all else who held shares in it, regarded as secure as land, houses, or the Government funds, subject only to those fluctuations in value which are common to all other kinds of property, but as safe as any of these from entire and total demolition, no power to effect this being in existence when we embarked in its purchase, nor until some time after I had been removed from its superintendence.

I shall say nothing of what ought to have been the duty of Mr. Adam when he succeeded to the temporary exercise of supreme rule, on the resignation of Lord Hastings, as all parties both in England and in India admit that it would have been more just, as well as more humane, if he had issued some orders, or intimated his determination as to the course which he intended to pursue towards the press, before he ventured, without warning, admonition or advice, to strike a death-blow on an individual who had laboured as hard, and meant as well, as he himself could have done in the conduct which he had hitherto pursued. It is difficult to recal to your recollection the simple fact, that Mr. Adam issued a decree to deprive me of my licence, and commanded me to depart from India, for venturing to remark on the impropriety of an appointment which 99 men out of every 100 in India thought a highly improper one; which *all* men in England, not excepting, I believe, a single member of your Honourable Court, or its warmest advocates, have condemned, and of which you have shown your own entire disapprobation by sending out immediate orders to cancel it without delay.

I shall not dwell on the great pecuniary loss which must be sustained by the sudden breaking up of a large private establishment like that which I had formed in India for the reception of my family, nor of the still greater loss which must have accrued from the cessation of a superintendence over my public business, which could not be replaced in that country: these are sufficiently obvious. The latter evil was in some degree lessened by the capacity and trust-worthiness of Mr. Arnot, in whom I was enabled to vest the actual stewardship of the property. As if, however, I had not been sufficiently injured by what had been already done to myself, Mr. Arnot was also banished, not for an act of his own, but for the deed of another; because the actual offender, Mr. Sandys, could not be so summarily dealt with; the chief secretary even admitting this under his own hand and seal. Mr. Arnot's banishment was attended with the most serious consequences to the proper management of my pecuniary affairs, which he alone had hitherto conducted; but in addition to this, his embarrassed circumstances obliged him to draw from my funds in India

a sufficient

a sufficient sum to pay his passage and other expenses of the outfit and voyage to England; and the unhappy sequel of his being burnt out of the Faou, and thrown again, wretched and penniless, on the shores of Bencoolen, completes the picture of his misery. He will no doubt tell his own tale when he arrives: I therefore confine myself in this place to the statement of my losses arising from the measures pursued towards him.

Still, however, the great bulk of the property invested in the Calcutta Journal was considered to be secure from spoliation. The Chief Justice, Sir Francis Macnaghten, in registering the licensing regulation in the Supreme Court of Bengal, admitted the importance of securing the stability of the property, by saying, "If any one entertained an apprehension that his property in the Calcutta Journal would be destroyed by the Government refusing it a licence, he would assure him that it should be granted, nor would he register the regulation if he thought it would affect the security of that property." On the occasion of Mr. Arnot being banished, because Mr. Sandys could not, the sacredness of the property was again admitted by the chief secretary saying, "Mr. Sandys cannot be subjected to any direct mark of the displeasure of Government, suitable to the occasion and to the nature of the offence, which would not equally injure the interests of the sharers in the property;" this being an evident acknowledgment that it was the duty, as well as then the wish, of the Government to hold that property sacred, whatever measures might be necessary to punish those who made an improper use of it.

What was the result? Mr. Sandys republished in the Calcutta Journal an English pamphlet written by Colonel Stanhope, containing a sketch of the history and influence of the India press, the work being issued section by section, the Government looking quietly on during its progressive publication, and thereby tacitly encouraging its completion. The John Bull newspaper entered warmly into the discussion of the merits and defects of this pamphlet; and if a discussion of this subject were really a breach of the regulation (which, however, does not appear), it would have been at least as much a breach when made by one paper as by another. The Government, however, some time after the last section of the republished pamphlet had appeared, and the discussions of the rival papers were nearly at an end, suppressed the Calcutta Journal entirely, and permitted the John Bull still to continue, unmolested and even unreprieved.

It must be quite unnecessary for me to point out to your Honourable Court the obvious fact, that *literary* property ought to be, and indeed is, in every country except India, as sacred and secure as property of any other description. In the instance above detailed, however, the violation of this property reduced me from the certain receipt for many years, and probable receipt for life, of 2,000 l. sterling per annum to absolutely nothing! Supposing Mr. Sandys to have done wrong in republishing Colonel Stanhope's pamphlet (which I am far from admitting), can it be just that I, in England, should be utterly ruined, and my co-proprietors in India be also subjected to a total loss of their portion of the concern because of this? If the principal proprietor of the *Times* were to quit London for Paris, and its editor for Brighton, and even the most indiscreet individuals were left in charge of the paper till their return, what would be said of the total breaking up of that productive property and the ruin of its proprietors, for any indiscretions of another? Could not the acting editor of the Calcutta Journal, whoever he was, have been tried, fined, imprisoned, or even removed from his post, if necessary, and the property still suffered to be used, under a censor or such other preventive checks as might have still rendered it productive and harmless, if it could no longer be free and useful? The absent proprietors were in no degree parties to that act; and though fairly responsible for all legally adjudged damages for convicted libels, yet they could not be considered deserving of ruin for an act neither against law nor justice, neither having their concurrence nor their aid. It may be truly said, therefore, that my banishment from India, for remarks since proved to be just, and Mr. Arnot's banishment for the writings of another, unreasonable and inconsistent as both these were, are nothing in cruelty and enormity to the complete ruin of myself in England, and the injury of 100 co-proprietors in India, for an act with which neither of us had the least to do in any sense or shape whatever.

The first consequence of this suppression was, that the subscribers to the Calcutta Journal, which it had taken five years of hard labour to collect, were in a moment dispersed, and thrown, without the slightest consideration for the transfer, on other papers; one of which, the Bengal Hurkarā (a copy of which accompanies this), boasted in its own columns shortly afterwards, that in consequence of the suppression of the Calcutta Journal, its subscribers had been quadrupled, or in other words, that the clear profit of 4,000 l. a year, which rightfully belonged to the proprietors of one paper, had been by a stroke of the pen transferred to the proprietors of another paper, without the slightest consideration for the change thus affected. The Indian Government even appeared so sensible of this injury, after it had been inflicted and was past remedy, that it soon consented to renew the licence for its revival, on a pledge being given that its future editor should be an officer in their own service, an arrangement which might have saved the ruin of the property at least, if it had been made before. Even this promised renewal, however, though great additional expense was incurred to prepare for it, never took place; and after a series of broken pledges and disappointed hopes, with the recital of which I shall not now trouble your Honourable Court, it was at last determined by the government of Bengal, that so long as I had any property whatever in the Calcutta Journal, or was likely to derive any profit or benefit from its continuance, it should never be permitted to be revived or carried on. Much as I had suffered from the cruelty of men in power in the East, I was certainly sceptical as to this point when the appalling information first reached me in England; but the fact, unhappily for me, is placed beyond

Judgment of Sir F. Macnaghten in the Supreme Court of Bengal, delivered March 31, 1823.

Letter of W. B. Bayley, Esq. to J. Palmer and G. Ballard, dated Sept. 8, 1823.

Bengal Hurkarā, 2 Feb. 1823.

all question, having been formally communicated to me by my agents, Messrs. Alexander & Co., of Calcutta, by my friend Mr. John Palmer, and by a number of other respectable correspondents in India, all concurring in the same statement, and leaving no doubt of its accuracy to the letter.

I might ask your Honourable Court to pause here, and review for a moment the scene of ruin and devastation laid before you. I might ask you, not as men merely, but as the legislators of a great country, whether my censure of an appointment which you yourselves have since pronounced to be improper, almost indeed at the first moment of your hearing it named, and which you have subsequently annulled because of its impropriety, could possibly warrant this determined ruin of all my hopes; this destruction of what I had created for the subsistence of my family by the labours of the past; this blighting of all my well-founded prospects of repose and competence for the future; whether, in short, it could be in me a crime deserving impoverishment and degradation, merely to allude to that improper union of spiritual and mercenary views, which you have felt it your duty not only to reprove, but to unlink and destroy: but I must proceed.

My property, and that of my copartners in this establishment being thus placed under the bar of authority, it became necessary for my agents to think of some mode by which the wreck of it might be saved from utter destruction, and it has accordingly been hired out at a very trifling sum per month, sufficient perhaps to cover the rent of the premises, to Dr. Muston, the very individual whom the government in India would not allow to carry on the Calcutta Journal on a renewed licence, for the benefit of its lawful and undisputed proprietors, because the profits, if any, would come principally into my hands, but whom, nevertheless, they have since permitted to carry on a new paper printed with our materials, and containing the same sentiments from the same pen, on his own account, because the profit of such an undertaking will come principally into his hands. The cruelty and vindictiveness of such a proceeding as this is apparent on the very face of it, and will strike every one as without a parallel; but its partiality and injustice will be still more manifest, when it is stated, that this new paper is already put forth under the title of "The Scotsman in the East," as an avowed imitation of the late Calcutta Journal, the reason assigned for the choice of the name being the great similarity which existed between this last-named paper and the Scotsman, published in Edinburgh. In its prospectus (a copy of which I enclose) the Calcutta Journal is praised as superior to all its contemporaries; the "splendid success" of its original editor, who is said to have "raised the Calcutta Journal, as it were at once, to the highest standard of perfection," is adverted to with every appearance of sincerity, and on this fame so hardly, and I hope justly, won by my long and arduous labours. On these materials, the collection and arrangement of which cost five years in time, and an expenditure of more than 20,000*l.* sterling in money, an officer in the service of your Honourable Company is permitted, by the favour of your servants abroad, to build up a fortune for himself, while I, who am the rightful owner both of the literary reputation and the collected materials of this very establishment, which he is thus licensed to use, am trampled to the dust, and reduced, if not to absolute beggary, at least to the necessity of giving up my present residence, where I had settled myself as soon as I was denied permission to return to India, in the belief that my property abroad would have been as much respected as at home; of descending into a humbler sphere than that in which I have for years past been accustomed to move, and of beginning the world under the greatest disadvantages a third time, to provide for my young and helpless children.

I persuade myself that such a series of injuries and indignities combined, as that which I shall now briefly recapitulate, cannot go unredressed.

By the conduct of Sir Evan Nepean, your late Governor of Bombay, who removed me from the command of a China ship, at the very moment that he confessed he had no fault to find with me beyond my not having a licence, but that, on the contrary, he honoured my character, and thought favourably of my pursuits, I lost an opportunity of making at least 10,000*l.* in the voyages which the same ship subsequently performed. By the loss of time, maintenance of my family at home, shipwreck in the Red Sea, expenses in India, and other events connected with my endeavours to bring about a commercial intercourse between Bombay and Suez, in which I employed myself till my licence was procured, I became nearly 10,000*l.* in debt. By my declining to go off a slave voyage to Madagascar from Bengal, and consequently resigning the command of the same ship from which Sir Evan Nepean had removed me, but which the owners reserved for my subsequent command, when my licence was obtained, I was thrown on the stream, about 5,000*l.* in debt, and actually without the means of subsistence. By the kind suggestions and kinder aid of Mr. John Palmer, and other friends in Bengal, who thought highly of my qualifications for the task, I was furnished with a loan of 30,000 rupees for the establishment of the Calcutta Journal, out of the profits of which I gradually relieved myself from these distresses, paid all my debts in England and India, put from 3,000*l.* to 4,000*l.* a year into the Company's treasury by payments of postage on my paper, created wholly by its extensive circulation, besides employing advantageously upwards of 100 persons on its establishment and supporting many industrious families in Bengal. By the unjust construction of a contract with the postmaster-general in India, I was an actual loser of money to the amount of 1,000*l.*, and was cut off from a prospective gain of 10,000*l.* at least, from the mere operation of that contract alone. By the various prosecutions instituted against me by the Government and secretaries in Bengal, I was a loser of more than 2,000*l.* in costs and charges of various descriptions, though never once convicted of libel or other offence.

By

Scotsman in the
East, No. 1,
March 1, 1824,
re-published in the
Bengal Hurkara of
2 March 1824.

By my sudden banishment from India, the breaking up of my private establishment, which I had just completed for the reception of my family, the passage home, forfeited passage-money of my children, who, on our arrival in England, we found just ready to embark for sea, and saved only by three days, I was a loser to the amount of 2,000*l.* more. By the banishment of Mr. Arnot, and my necessary payment of all his expenses (for he was unable to do this himself, I was a loser of 1,000*l.* at least; and lastly, by the suppression of the Calcutta Journal, and refusal of a licence to renew it on account of its lawful proprietors, I have been deprived of a certain income of from 2,000*l.* to 3,000*l.* a year, probably for life, or reckoning the capital at what it would fairly have brought, if sold into other hands before it was suppressed, I have been in a moment stripped of 30,000*l.* sterling at least, the fruit of lawful, unwearied, and I hope I may say useful, exertions for the good of others as well as of myself, to the accumulation of which no man contributed the smallest portion, without his full, entire and even unasked consent.

Putting the matter therefore on a mere footing of money actually taken from me by the conduct of the Indian Governments from 1816 to 1823, I should have in strict equity a better claim for a grant of 60,000*l.* from their public treasury than many who have received that sum, not because any portion had been taken from them, but because they assisted when required to take it from others. I am not weak enough however to indulge any such chimerical hope, as that *strict* justice will ever be done to an individual suffering under the undue exercise of power; yet still there is a limit even to injustice, and a sufficient sense of right and wrong still left, it is to be hoped, to perceive the policy of giving some slight redress for very flagrant wrongs. That mine are of this description, no impartial man in England who has ever yet heard their recital now entertains a doubt, however much the parties interested in making light of every grievance, may affect to treat these as unimportant. I therefore ask of your Honourable Court, composed as it is of legislators professing a desire to administer pure and unbought justice to all, and of men not wholly dead to those feelings which enable us to place ourselves in the situation of others, that we may do unto them as we would they should do unto us, to grant me either of the three modes of redress here proposed, leaving the choice entirely to yourselves, with a pledge on my part to receive as a final adjustment of all my personal injuries whichever mode of compensation you may decide on offering to my acceptance.

First, To grant me permission to return with my family to Bengal in some one of the Company's ships and at the Company's expense, with the orders of your Honourable Court, directing the Government of that presidency to issue a licence for the renewal or revival of the Calcutta Journal, with authority to claim from the treasury of Bengal the sum of 30,000 rupees, the mere amount embarked in its first establishment, on my consenting to conduct it on its original plan, subject to whatever laws may by your Honourable Court be here thought necessary for the press in India, whether fixed prohibitory restrictions, a previous censorship, subsequent responsibility, or any other restraint which you may here determine to be necessary; provided such restraint be equally imposed upon all, and that the person be free from liability to banishment, and the property from violation, at the mere will or caprice of the Government without the legal sentence of a court of law. By this mode of redress, if permitted to me, though I shall again descend to the very bottom of the ladder, I shall at least have a chance of working my way to some higher step, and may by this means recover a portion, however small, of what I have so unjustly lost.

Secondly, If my revival of the Calcutta Journal in India be deemed wholly inadmissible, and this mode of retrieving my ruined fortunes be denied to me, I still solicit your permission to return to Bengal furnished by your Honourable Court with a claim on the treasury of that presidency, in behalf of myself and my fellow-proprietors there, for a fair and equitable restitution of our property, as far as the actual value of it, at the period of my removal from its superintendence, can be proved, with authority to remain in India for such short period as your Honourable Court may deem sufficient for the purpose of winding up the accounts of my late concern, of receiving the sums due to me, paying my just debts, and making a final settlement with my co-proprietors in that country. By this means, I may be enabled to do justice to others, and gather up the scattered remains of our wrecked and ruined property for an equitable division among those to whom it rightly belongs.

Thirdly, In the event of its being considered dangerous to admit of my revisiting India at all, for any purpose whatever, I ask your Honourable Court to grant an order on the Company's public treasury in England for the payment to all the proprietors of the late Calcutta Journal, collectively or individually, as may be deemed best, of such fair and just compensation as a committee of your own proprietary body may, on evidence produced, conceive it equitable to award; not for the total destruction of all the prospective gains, in itself a severe and irremediable evil, but for such positive pecuniary loss as can be proved to have been sustained by them in consequence of the sudden suppression and subsequent refusal of a licence to revive that paper, after they had embarked their capital in it, under the full and confident assurance that whatever new restraints might have been placed on the freedom of discussion, the security of every man's property would at least have been respected, and guarded from all arbitrary violation by the protection of the law.

Either the one or the other of the causes indicated above will be equally acceptable to me, each of them forming only a nucleus on which to collect my scattered hopes, and each involving the necessity of much future labour on my part to regain the prospects of fortune which have been so suddenly and so cruelly annihilated for mere trifling censure, which the decision of your Honourable Court has since shown to be in perfect accordance with its own deliberate views. Some such means of redress as these here pointed out, appear also

to be no less essential to the honour and character of the East India Company than to the maintenance of that impartial justice which all profess a desire to uphold. They will be at the same time in strict accordance with the repeated declarations of the Government in India and the avowed conviction of your Honourable Court in England, that no personal injury was intended by the suppression of any one particular paper, while another legally convicted of libels pronounced by the judges as not to be thought of without horror, as well as breaches of rules and regulations without number, is permitted to continue undisturbed, and that no feelings of personal hostility were entertained towards me or my property after my removal from the country. If it be true that the governing authorities of India, at home and abroad, are really anxious to avoid as much as possible the infliction of individual suffering, in discharging what they conceive to be their duties for the public good, never could there be a more favourable opportunity than this for proving to the world the sincerity of those professions; since it is perfectly practicable in the present instance to relieve abundantly the private distress unnecessarily created, at the same time that the public measures from which this distress has sprung may be rigidly and inflexibly maintained.

I beg your Honourable Court to believe, however, that I do not solicit this redress as a favour or a boon. I claim it as a fair and equitable discharge of what my honour, my conscience, and my reason alike assure me is a just and honest debt. Neither would I have it to be understood as a compromise for the abandonment of those higher rights and duties which are inseparable from a devotion to the great interests of mankind. I can only say, that I shall be content to receive either of the three grants proposed, as a discharge in full of all the private and personal injuries and losses that I have sustained, though it will be seen upon the face of them, that all combined would fall far short of the real extent of those evils which they would only furnish me the means of remedying for myself hereafter. If I can obtain but this from your Honourable Court, my personal wrongs will be appeased; and I shall endeavour to pursue my public duties, wherever I may be called on to discharge them, in England or in India, without reference to the past. But as my expectations are moderate, so are my determinations firm, and not to be swayed by every breath that blows. I shall persevere as long as I have power to do so, in reiterating my demand of justice, for I ask no more. It therefore remains with your Honourable Court, if this mode of appeal by direct memorial to your body be more agreeable, to give my written statement the early and prompt decision which its importance (to me and to my family at least) would seem to deserve; or if public discussions be more welcome, to be prepared to meet the subject again and again, in every way and shape in which it can be presented to the public mind, till all England, supported by all India, become deeply interested, as mankind never fail to do in that which is made by time and repetition familiar to their view, and until the world at large shall be impannelled as the jury, which sooner or later will pass sentence on the private as well as public considerations involved in the great question which will shortly be at issue between the people of Great Britain of every class and yourselves, as stewards of that vast empire in the East, which the Legislature of your country has committed, for other ends than unredressed injustice and oppression, to your temporary care.

I have the honour to be, Honourable Sirs,

Your most obedient humble servant,

11, Cornwall Terrace, Regent's Park.

J. S. Buckingham.

P.S.—It is hoped that any imperfections which may appear in the writing of this letter will not cause it to be rejected, as I have no longer clerks, by whom it might be more fairly copied.

To *J. S. Buckingham, Esq.*

Sir,

East India House, 12 August 1824.

I AM commanded by the Court of Directors of the East India Company to acknowledge the receipt of your letter of the 2d instant, in which, after various remarks, you submit for the adoption of the Court one of the three following modes of compensation for the injuries which you state you have suffered; viz.

First, That you be granted permission to return with your family to Bengal in some one of the Company's ships, and at the Company's expense, and that the Government of that presidency be directed to issue a licence for the renewal or revival of the Calcutta Journal, and to pay to you the sum of 30,000 rupees, the amount alleged to have been embarked in the first establishment of the journal.

Secondly, If your revival of the Calcutta Journal in India be deemed wholly inadmissible, that the Court grant you permission to return to Bengal, furnished with a claim on the treasury of that presidency, on behalf of yourself and your fellow-proprietors there, for a restitution of your property, as far as the actual value of it, at the period of your removal from its superintendence, can be proved, and with authority to remain in India for such period as the Court may deem sufficient for the purpose of enabling you to wind up your affairs; or,

Thirdly, That in the event of the Court declining to permit you to revisit India at all, they will direct payment in England to all the proprietors of the late Calcutta Journal, collectively

collectively or individually, as may be deemed best, of such compensation as a committee of proprietors of East India stock may on evidence produced conceive it equitable to award.

The Court instruct me to acquaint you, with reference to your request for permission to return to India, that they see no reason to depart from their decision which was communicated to you on the 17th September 1823, when you preferred an application for that purpose.

With regard to the other points alluded to in the propositions before-mentioned, I am to state, that the pecuniary loss and personal inconvenience you represent to have sustained are attributable solely to the line of conduct pursued by you, which induced the Bengal government to withdraw the permission under which you resided in India.

The Court of Directors have already expressed their decided approbation of the course adopted by their Government on that occasion, and the Court of Proprietors have fully concurred therein; and I am to add, that, under a review of all the circumstances of the case, the Court do not consider that either you, or the other parties on whose behalf you have appealed, have any just claim whatever on the East India Company.

I am, Sir, &c.

(signed) *J. Dart, Secretary.*

To *Joseph Dart, Esq., &c. &c.*

Sir,

London, 14 August 1824.

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, conveying to me the sentiments of the Honourable the Court of Directors of the East India Company, and I have to request the favour of your taking the earliest opportunity to lay before them the enclosed letter, in reference to the communication adverted to.

I have the honour to be, Sir,

Your most obedient servant,

11, Cornwall Terrace, Regent's Park.

(signed) *J. S. Buckingham.*

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

London, 14 August 1824.

I BEG to acknowledge the receipt of a letter signed by your secretary, dated the 12th instant, informing me of your refusal to accede to either of the three propositions contained in my letter of the 1st instant.

With regard to the first proposition, asking leave to return to India, as you are pleased to meet it with a simple refusal of my request, I can of course say nothing, except, perhaps, that it does not appear clear to me, how the grounds which led to such refusal in September 1823, should be deemed sufficient to justify the same course in August 1824, the circumstances of the case having in the interval undergone such great and essential changes as to make them no longer the same, either in nature or in degree.

With regard to the second proposition, a claim of compensation for losses actually sustained, you have been pleased to instruct your secretary to state that the pecuniary loss and personal inconvenience complained of were attributable solely to the conduct pursued by me while in India, and that, therefore, neither I, nor any of my fellow-sufferers, on whose behalf I appeal, can have any just claim whatever on the East India Company.

I beg respectfully to submit, that in so far as I have been made a sufferer, by being banished from the country for acts done by myself, I am content to waive all claim for remuneration, either for the personal inconvenience or pecuniary loss thereby sustained, however just and equitable I may have deemed my right of claiming such remuneration, had I been disposed to press it on the attention of the Legislature; but if your Honourable Court will again refer to my letter of the 1st instant (a printed copy of which I enclose for more convenient perusal), I feel convinced that you will see the misapprehensions which, either in the original framing of your instructions, or in the interpretation of them by your secretary, must have prevailed on this subject.

The pecuniary loss occasioned by my removal from India, the only punishment that has been inflicted, or personal inconvenience that has arisen, solely from the line of conduct pursued by me in that country, was in itself sufficiently severe, reducing my yearly income from nearly 8,000*l.* to 4,000*l.* from the mere deprivation of that personal superintendence which I had hitherto exercised over the establishment from which I was thus suddenly removed. But every member of your Honourable Court is no doubt fully aware, that since my quitting India there has been a total destruction of this even then, and still valuable property, and that after the income arising from it had been reduced from 8,000*l.* to 4,000*l.* per annum, for alleged indiscretions committed by me, it has since been reduced from 4,000*l.* per annum to absolutely nothing for the alleged indiscretions of others, for conduct, in short, which instead of being solely mine, as your secretary has, perhaps inadvertently, been instructed to state, is in no degree whatever mine, not even receiving

the most remote participation or countenance from me, and happening, indeed, not only without my consent or approbation, but absolutely without my knowledge, or even my suspicion.

The republication of Colonel Stanhope's pamphlet in India, which happened long after my leaving that country, but before any communication could possibly have reached me from England, and for which the Calcutta Journal was for the first time suppressed, was solely an act of Mr. Sandys'. By this first suppression, I was made a loser of about 4,000*l.* per annum, though the act alleged for its suppression was not in the slightest degree an act of mine, but solely the act of another.

The second suppression of the Calcutta Journal, after an expensive establishment had been kept up on the faith of the Governor-general's pledge that its licence should be renewed, notwithstanding which, the first impression of the revived paper was prohibited from being issued after it was printed, and the whole edition consequently destroyed, arose solely from some alleged indiscretion on the part of Mr. W. P. Muston, an editor approved and sanctioned by the Governor-general himself, and an officer in your own medical service, his offence being understood to have arisen from his venturing to make an allusion to the unfavourable influence of the late laws for restraining the Indian press, and attributing to them the increased difficulty of making a public journal as interesting as when the press was free. By this second suppression of the Calcutta Journal, at the moment of its revival, I lost a certainty of securing at least 3,000*l.* per annum of the 4,000*l.* lost by the first suppression, though the act which occasioned this loss was not in the slightest degree an act of mine, but *solely* the act of another.

By the subsequent promise of the Bengal government to grant a licence for a paper to be published at the same press, and in a new name, the keeping up of a large establishment by my agents to meet this, and the final refusal of the same government to grant a licence to any paper in which I might have a pecuniary interest, or from which I might derive any benefit, while they have since actually granted to Mr. W. P. Muston a licence to print a paper at my press, with my materials, and at my risk of great pecuniary loss, with a certainty of his sharing largely in whatever profits may eventually arise, I am reduced to worse than nothing, and after having lost all hope of regaining any portion of even the 2,000*l.* a year which this paper might have produced if renewed, not on Dr. Muston's, but my own account, I am involved in the risk of being called on for a participation at least in whatever debts this precarious undertaking may accumulate; though so far from this state of things arising solely from any conduct of mine, it is the result of certain determinations of the Indian Government on acts and events with which I neither have nor could have had anything whatever to do.

I venture to hope, therefore, that your Honourable Court will not fail to perceive the inaccuracy or inadvertence of attributing solely to my conduct, losses which have arisen *solely* from the conduct of others; and willing as I am to admit the principle of responsibility for my own deeds, and therefore to abide the loss of 4,000*l.* per annum, by the reduction of my yearly income from 8,000*l.* to 4,000*l.* in consequence of my banishment, for acts of *my own*, enormous and unprecedented as that punishment must be allowed by every one to be, particularly when inflicted for serving the true interests of your Government abroad, in pointing out abuses which your Honourable Court have since felt it your duty to reprove and correct; I must still indulge the persuasion that you cannot intend to reject entirely my claim of remuneration for pecuniary losses sustained by me, as a victim suffering solely for the acts of others, in which I could not by any possibility have had the least participation, and that your Honourable Court will accordingly reconsider the subject of my appeal, and instruct your secretary to give me an early intimation of your decision thereon.

I remain, Honourable Sirs,

Your most obedient humble servant,

11, Cornwall Terrace, Regent's Park.

(signed) *J. S. Buckingham.*

To *J. S. Buckingham, Esq.*

Sir,

East India House, 25 August 1824.

HAVING laid before the Court of Directors of the East India Company your letter, remarking on the terms of the reply which I was instructed to transmit to your application of the 1st instant, and requesting that the Court will reconsider the subject; I am commanded to acquaint you, that it was on a view of all the circumstances of the case, as well since as up to the period of your quitting India, that the decision communicated to you in that reply was adopted by the Court, and that they see no reason whatever to depart therefrom.

I am, Sir, &c.

(signed) *J. Dart, Secretary.*

To Joseph Dart, Esq., &c. &c.

Sir,

London, 1 August 1825.

I HAVE to request that you will do me the favour to lay before the Honourable the Court of Directors of the East India Company, as early as may be practicable, the accompanying letter and printed papers enclosed, and to favour me with their reply as soon as any decision may be communicated to you for that purpose.

I have the honour to be, Sir,

Your most obedient humble servant,

11, Cornwall Terrace,
Regent's Park. }

(signed)

J. S. Buckingham.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

London, 1 August 1825.

By the late decision of His Majesty's Privy Council, the political part of the question as to the rights of Englishmen in India to that freedom of speech and discussion which is held to be their birthright here, is, for the present at least, set at rest. The civil part of the question (if it may so be termed), or that branch of it which relates to the security of property, has not yet been brought under their consideration; although few can entertain a doubt but that those who have sanctioned the appointment of British judges in India for the express purpose of protecting the property of British subjects in that country by British laws, would determine that such protection of property is as much the right of Englishmen in India as in their native land. Without waiting, however, for the expression of their opinion on this important subject, I shall pursue the same course in this great question of the security of private property, as I have done in the question of political right to the freedom of public discussion. I shall first represent to your Honourable Court the nature and extent of the injury I have sustained by the invasion or violation of my property in the country ruled by your servants and subject to your control, and then state to you frankly and explicitly the description and amount of the redress to which I consider myself fairly entitled. If my claims are rejected by you (which in this case I can hardly anticipate), I shall feel it my duty to carry them to the Board of Control, from thence, if necessary, to both Houses of Parliament, and lastly, to His Majesty's Privy Council, as a question of property only, and totally unconnected with any of those considerations of danger to the safety of the State, which no doubt influenced their decision on the late appeal against the laws for licensing the press in India.

Admitting that, by the letter of the statute, Mr. Adam was justified in banishing me from India, for anything or nothing, as it suited his pleasure; admitting that by the letter of Sir Francis M'Naghten's regulation, Lord Amherst was justified in suppressing the Calcutta Journal, and cutting me off by a stroke of the pen from an income of not less than 4,000 *l.* a year for life, for an act in which I could not by any possibility have had the least participation, as it was done in my absence and without either my knowledge or consent; admitting that all this was perfectly correct, there is surely no statute of Great Britain, no regulation of India, which gives to a Governor-general the right of saying, "This property may be turned to profitable account while it belongs to one individual, but the same property never shall be so used while it belongs to another individual." There is no law, no regulation which could justify the Indian Government in saying, "This estate shall never be cultivated with indigo while it belongs to Messrs. Alexander & Co., but it may be cultivated with the same material if they sell it to Messrs. Palmer & Co." There is no authority, legal or otherwise, by which a Governor-general could say, "This ship now in the river of Bengal shall never weigh anchor, or carry cargoes of any description so long as she is the property of Messrs. Forbes & Co., but she may be permitted to sail and bring profit to any other owners who may be found to buy her; and that too although navigated by the same crew, directed by the same commander, sailing to the same port, and carrying exactly the same articles on freight or sale." Any such decree as this would be thought the most monstrous that had ever before been heard of; and yet, as your Honourable Court will not fail to perceive by a perusal of the correspondence annexed, the decision of the Government of Bengal, with respect to my property in the Calcutta Journal, was of exactly the same character and description as this imaginary decree, which most men would consider to be too unjust to be tolerated even for a moment by persons calling themselves Englishmen.

By the conduct of the Bengal government, in preventing the property left behind me in India from being used for the benefit of myself, and its other legal and undoubted owners, and determining that it never should be so used as long as I had any interest whatever in the same, thus forcing me either to sell at a ruinously low rate, or to suffer the property to rot away in total unproductiveness, my co-proprietors have been deprived of 10,000 *l.* paid by them in lawful money for actual purchase of their shares, and I have been deprived of 30,000 *l.* in real value, 20,000 *l.* of which at least was paid out of my own pocket in sterling cash for the purchase of the copyright, interests and materials of which this property was composed. For this injury, I ask, in their names and in my own, that full pecuniary compensation to which the natural sense of honour and of justice, which more or less inhabits the bosom of every man, must admit that we are fairly entitled.

In England, if the continued existence of any noisome or pestilential district is considered inimical to the health, the peace, or the good order of a city, and it is determined to remove it on that account; if for instance, St. Giles's is to be pulled down to make room for a more commodious and healthy street across its site, the obvious and invariable course is for the Government, or the parties effecting the demolition and improvement, to obtain an estimate of the value of every house intended to be demolished, and the award of a jury directs the amount of compensation to be made to every individual whose private property must be destroyed to promote the public good. If a magazine of gunpowder (to which a newspaper in India has often been compared) had existed for several years near the India House, and the Proprietors or their Directors were to resolve that the safety of their property was endangered by its continued existence, they might perhaps obtain an order to have the powder removed and the building rased to the ground, but certainly not without compensating, to the uttermost farthing, the proprietors of such works for the property destroyed. This principle is admitted, and carried into practice even in India itself, and indeed in every other country where law is known, as there could be no security of property without it. The Lottery Committee for the improvement of Calcutta pull down houses and remove obstructions in order to make new streets and improve the general health and appearance of the city; but they never think of so doing without first compensating the parties whose property they destroy. The Indian Government take up ships bound on profitable voyages to England, and change their destination by sending them to Rangoon, but if they were to think it necessary to set fire to any number of these before the harbour's mouth, or to sink them at the entrance to the river, for the benefit of the public service, they would never attempt to do this without compensating the owners for this destruction of their private property to promote the public welfare. In England, not a rood of land can be traversed by a canal, not a foot of ground can be added to a turnpike-road, not an inch of wall can be taken from the corner of a private house to increase the width of a street, without compensation to the parties from whom this sacrifice of private wealth is demanded for the unequivocal promotion of the public good. And even in France, where despotism is familiar to all classes, and at a time when the strictest censorship on the press prevailed, the only mode in which the ministers of that country, under Louis 18, attempted to remove such newspapers as were obnoxious to them, by the freedom of their remarks, was, either by obtaining a suspension of the licence for a limited period, through the decision of a court of justice after a trial at law, or by purchasing the shares of the proprietors at their current value, and then disposing of the whole as their own lawful property.

On every principle, therefore, whether of law, of justice, of precedent, or the concurrent authority of experience and common sense, the proprietors of the late Calcutta Journal are fairly entitled to full indemnification for the sacrifice which the India Government thought it their duty to make of the private property of individuals for the promotion of what they deemed the public good, and that indemnification I freely ask, with a confident assurance that, as British merchants, as men of honour, as well as the rulers of a vast empire, you will readily order to be paid.

When the period shall arrive for considering the transfer of the Company's interest to the Crown of Great Britain, we shall no doubt hear, on the side of His Majesty's ministers, abundant arguments to prove that whenever private interests impede the public good, the former must give way; while on the side of your Honourable Court, there will not be wanting able advocates to answer, that although this, as an axiom of government, cannot be denied, yet that, wherever private property is necessarily sacrificed for the benefit of the commonwealth, *compensation* is fairly due. If the India House in London should be transformed into an office for a Ministerial Board; if the palaces at Calcutta and Barrackpore should be occupied by some royal personage, representing the Majesty of England in the East; if the forts of Bengal, Madras and Bombay, should be garrisoned by King's troops alone, and all the large Indianmen now employed in the trade to China be converted into ships of war, your Honourable Court would no doubt tender to His Majesty's Government an estimate of the *actual cost* of all these valuable edifices, forts and vessels; you would hardly be content with what they might produce at an auction, where there were no buyers, or only those who knew not whether the things to be bought could ever be made use of or not, and who would offer little or nothing for such unavailable materials; which was exactly the case when the wreck of the Calcutta Journal was brought to the hammer. There is not an East India proprietor who, in the event of his being called on to relinquish all his property in the Company's stock, and yield up his wealth, his power, his consideration to the ministers of the Crown, would not insist on the fullest compensation for the sacrifice of his property, at least, however necessary the destruction of the charter might be deemed by the nation at large. Even when paid the full amount of his shares in the joint stock capital of his trading associates, he would perhaps feel himself sufficiently aggrieved at being thus cut off from all the *future* enjoyment of that power, patronage, profit and consideration which his former situation yielded him, and which the total change in the nature of his property, and the loss of his station as a director or proprietor of East India stock, would leave him no hope of again recovering. He would yield up with no ordinary reluctance all the prospective advantages of the future, but he would demand the most ample indemnity and perfect security for the repayment of all property taken from him, as the amount of his present share in the property of the Company, or the result of accumulation in its funds of profit on transactions of the past. My situation is precisely this: I ask no more than every East India

India proprietor or director would ask in a similar situation ; and I only require therefore of your Honourable Court, as a body, to do unto me that which every individual member of your direction would in such case ask of others to do unto him ; and when I seek but this, I feel an unconquerable assurance that I shall not be refused.

I was already sufficiently punished for the strange offence of having anticipated your own sentiments in disapproving an appointment of which you yourselves no sooner heard than you censured, and cancelled it in terms of far more serious import than any used by me. I was already more than sufficiently punished for thus assisting to promote your own just views, by being banished from a country where I enjoyed a high and envied reputation, and from a circle in which I could count a host of devoted friends among the most honoured and most worthy of the whole community ; by being separated from an establishment over which I had presided for years, and been the means of making more than 100 families employed by it happy ; by being torn from domestic enjoyments which it had taken me a long period and considerable expenditure to prepare, for the reception of a family who were made to participate in all the evils of this sudden removal within a few weeks after setting foot in the country ; and lastly, by being cut off from the receipt of a splendid income, drawn from the voluntary contributions of my own countrymen for labours which enjoyed their approbation and appeared to them to deserve their reward ; an income which, in the course of three or four years more, would have given me wealth enough to pass the remainder of my days in the security of competence, and see my children honourably established in the world.

It was not enough, however, that I should suffer all this for merely expressing disapprobation at an appointment on which you yourselves passed the severest of all possible censures, by ordering the holder of it to be dismissed ; but even the wreck of property left behind me, when thus banished and impoverished for the exercise of a virtue which you yourselves almost immediately imitated, has been violated and invaded so as to fulfil literally the saying of " taking from him that had nothing even the little that remained."

I may with truth say, that on this question of compensation for the sacrifices made of my private property by the acts of your servants in Bengal, which I now submit to the decision of your Honourable Court in this country, hangs all the hope I now have left of passing the remainder of my days in the possession of those comforts which impaired health, increasing age, and a growing family, render necessary to a tranquil existence. I shall therefore await your reply with corresponding anxiety, and trust it will not be protracted beyond the period necessary for its due consideration. I entered my present habitation in the firm persuasion, that whatever changes might follow my removal from India, my private property in that country would at least be held sacred. My engagements of various kinds in this country were regulated by this just and reasonable expectation ; and one of these, into which perhaps I should hardly otherwise have ventured, from the magnitude and uncertainty of its expense (I mean the commencement of actions at law against three wealthy and powerful individuals), has at length terminated by the most public and voluntary offer being made to me in a court of justice, of reparation for the injury sustained, of an ample apology from the party inflicting the injury, accompanied by an abandonment of all justification or defence, and the payment by the same individuals of all expenses incurred in bringing this proceeding to a close. The world will no doubt applaud this act of justice, tardy as it seems, and its example will, I trust, be followed by those who yet remain to account for their unfounded and unjustifiable aspersions. That these aspersions on my private character, false as they were, had a large share in promoting and apparently warranting the ruinous proceedings of your servants towards my person and property in India, no man acquainted with the history of those transactions can for a moment doubt ; and as it has now been publicly admitted, even by my accusers, before the most solemn tribunal of the land, that I am innocent of the crimes imputed to me, justice demands that the evils which have been inflicted on me under the assumption of my guilt, should be instantly repaired.

If all the former reasons that I have endeavoured to submit to your judgment were inadequate to convince you of the necessity as well as justice of that reparation which I now seek at your hands, this single consideration would, I think, alone be sufficient to turn the balance. But it is neither my wish nor my intention to deprive your Honourable Court of the fair exercise of a voluntary determination to do an act of justice uninfluenced by any other considerations than those arising out of a calm and unbiassed view of the facts of the case. These I have here submitted to you without reserve or exaggeration ; and I await with anxiety, but still with confident expectation and hope, your just and impartial award.

I have the honour to be, Honourable Sirs,

Your obedient humble servant,

11, Cornwall Terrace, Regent's Park.

(signed) J. S. Buckingham.

P. S.—As the correspondence recently transmitted to me from India, and referred to in the body of the preceding letter, will be more agreeable to read in the printed than in the written form, I have had the letters arranged in the order of their dates, and 24 copies only struck off, for the use of the Directors of your Honourable Court, preceded by a very brief statement, sufficient to make the letters intelligible without further comment. These printed copies I take the liberty to enclose. The originals and authenticated copies are now in my possession, to be produced in the event of their authenticity being questioned, or their inspection by a committee or other body deputed to inquire into the facts of this

case, being deemed necessary. I shall hold myself in readiness also to give any personal attendance that may be required of me, or to produce either oral testimony or written evidence of the facts stated in the letter now submitted to your attention, at any time or place which your Honourable Court may think proper to direct.

(signed) *J. S. Buckingham.*

To *Joseph Dart*, Secretary to the Honourable the East India Company.

Sir,

London, 6th Sept. 1825.

I SHALL feel greatly obliged by your submitting, on the earliest possible occasion, the accompanying letter to the Honourable the Court of Directors, and furnishing me, as soon as you may be enabled so to do, with their reply.

I have the honour to be, Sir,

Your most obedient humble servant,

Cornwall Terrace, Regent's Park.

(signed) *J. S. Buckingham.*

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

London, 6th September 1825.

I HAVE just risen from a bed of sickness, to which I have been confined for the last month; and one of the first objects of my solicitude is to inquire what has been the fate of my letter addressed to your Honourable Court about five weeks ago.

The interruptions of my health have been so repeated and incessant, and my last illness so alarmingly severe, that my medical advisers gave me little or no hope of permanent relief, except by removing to a milder climate, and abstaining from the close application to which I have devoted myself during the two last years, so as to enjoy tranquillity of mind as well as bodily repose.

If I possessed the means of supporting myself from my private fortune in such a retirement as this, I should not hesitate a moment in seeking by such means a chance of restoration to permanent health. But desirable as this undoubtedly is, it will be utterly impossible for me to accomplish it, should your Honourable Court still continue to withhold from me the reparation so justly due for the total destruction of my private property by your servants in Bengal.

Should your Honourable Court, however, as an act of justice, grant me the reparation sought, in any manner that may render it speedily available to my use, I shall proceed without delay to embrace the only hope now left me of recovering that health, which up to the period of my quitting India I had the happiness to enjoy in a supereminent degree, and which it is no exaggeration to say has been chiefly undermined, if not entirely destroyed, by the vexations, anxieties, disappointments and embarrassments, arising out of my banishment from that country, and the subsequent proceedings of the Indian Government towards my property there.

No man that ever lived can have been made to feel more acutely than I have done, that "sickness of the heart" which is occasioned by "hope deferred." This hope, though often protracted and postponed, has never entirely deserted me. I have never yet been able to bring myself to doubt your granting me *ultimate* justice. I have continually dwelt on the assurance that, sooner or later, when the political objects of your Government in restraining the press in India should be completely attained, and my return to that country rendered impossible, the destruction of private property occasioned by that public measure would be fully and even willingly repaired; and I still feel convinced, that whether as legislators, as merchants, or as men, you cannot but think this reparation due by every rule of justice and equity. If it be done quickly, I shall endeavour to seek in retirement and repose that tranquillity of mind and health of body to which I have long been a stranger, and may hope to repair by these means the present shattered state of my health and constitution, a source of more pain and misery to my dependant family than even to myself. We have *all* indeed been made to suffer more than enough to satisfy the most vindictive of our enemies, and besides myself, other innocent and unoffending beings have been placed on the rack of torture and suspense for years, for the doubtful crime of *my* being too ardent in endeavouring to repress abuses in a country where all must know that some at least exist, and the last of which that I ventured to expose you have yourselves attempted to remedy, by ordering the removal of Dr. Bryce from an office and occupation now universally admitted to be in the highest degree objectionable.

Had I been guilty of any crime, either moral or political, or even any indiscretion by which your empire in India had been *really* endangered, I should indulge no hope of forgiveness, and but little of public sympathy; but I sincerely believe there is not one human being in existence who could conscientiously say that my sudden removal from the country, under all the aggravated circumstances of the case, and the cutting me off at one blow from a splendid income of 8,000*l.* a year, raised wholly by my own labours, was not of itself the severest punishment ever before heard of for so slight an offence as that of censuring an appointment which you yourselves have since publicly disapproved of and annulled. When, however, there has been superadded to this already severe and irreparable punishment, the total destruction of the property that I left behind me, in the confidence that whatever

changes

changes might occur, *this* at least would be respected—a property which it cost me more than 20,000*l.* in sterling money, actually paid by me, to get into the state of perfection and efficiency in which I left it, besides five years of the most valuable portion of my life, and the incessant and almost unexampled labour, by which its productive and marketable value was made to exceed even double that sum;—when I reflect on all this, I feel persuaded that there is not a single member of your Honourable Court who could in his heart say that I deserve this ruin and destruction of all my hopes, this condemnation to perpetual poverty and suffering for the remainder of my days, because I had the misfortune to employ a large portion of them in thinking more of the welfare and happiness of others living under your dominions, than in providing, as I might with less pains as well as less virtue easily have done, for my own.

My strength will not permit me to write more. I have before placed my fortune, I may now truly say I place my future health, if not my existence, also in your hands: it rests with you to restore to me the one, for I ask only the restoration of property which your servants have destroyed, and this will afford me the means of supporting and prolonging the other, by relieving me from the necessity of those anxious cares to which all my present sufferings may be fairly attributed. I still rely on your sense of justice, and I have a strong internal conviction that this reliance will not be placed in vain.

I have the honour to be, Honourable Sirs,
Your most obedient humble servant,
(signed) *J. S. Buckingham.*

Cornwall Terrace, Regent's Park.

To *James Silk Buckingham, Esq.*

Sir, East India House, 15th September 1825.
I HAVE laid before the Court of Directors of the East India Company your letters of the 1st ultimo and the 6th instant, and I am commanded to inform you that the Court see no reason to alter the opinion expressed to you in their secretary's letter of the 12th August 1824, that they do not consider that either yourself or the other parties on whose behalf you have appealed, have any just claim whatever on the East India Company.

I am, &c.
(signed) *P. Auber,*
Assistant Secretary.

To *Joseph Dart, Esq., &c. &c.*

Sir, London, 12th November 1825.
I BEG you will do me the favour to lay the accompanying letter before the Honourable the Court of Directors at your earliest convenience; and oblige me with the report of any decision that may be made thereon with as little delay as the nature of the case will admit.

I remain, Sir, your most obedient servant,
(signed) *J. S. Buckingham.*

11, Cornwall Terrace, Regent's Park.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs, London, November 12th 1825.
I HAD hoped that my letter of the 6th of September would have contained the last appeal that I should ever have occasion to make on the subject to which it related. Subsequent information from India compels me, however, to make one effort more before I entirely abandon all hope of relief. Letters recently received from Bengal convey to me the appalling intelligence that the *whole* of my property there (which was valued, at the period of my leaving it, at 40,000*l.*) has, by the measures of your Government alone, and notwithstanding all the exertions of my agents, Messrs. Alexander & Co., to avert the evil, been not only swallowed up entirely, but the very wreck of its materials encumbered with heavy debts, which I am now called upon to pay.

If, at the period of my being ordered to quit India, the Government had, by a direct act of power, deemed the total confiscation of my property, and proceeded to effect its immediate destruction on the spot, dreadful as such a punishment would then have seemed, it would have been an act of mercy compared with the measures which they have since pursued. Instead of leaving behind me a large and valuable establishment, in the confident assurance that its property would be as secure as in England, I should have done well if I had set fire to the whole: the devouring element could only have consumed my house and all the accumulated wealth which years of labour had there deposited as in a place of safety; but by the subsequent measures of your servants, I am not only ruined, but burthened with heavy debts, which I shall probably never be able to repay. Should any doubt be entertained of the accuracy of this statement, I beg to say that there is now in England one of the firm of Alexander & Co., to whom all the accounts connected with this unfortunate affair have been submitted, and will, therefore, be able to confirm the facts, whether they relate to the results, or to their immediate cause.

I have before preferred my claim to reparation as one of right, and made my appeal to your justice for redress. You have decided that my claim is not sufficiently established to

deserve your attention; and to this decision, painful as it is, I must submit. I approach you now, however, as a petitioner, earnestly entreating your consideration of my case, not as a political question between us, not even as a claim for restitution of rights, but merely as the case of an individual who left behind him in your territories a property of the actual saleable value of 40,000*l.*, and who is now reduced to absolute poverty and debt by the entire destruction of all he possessed, in consequence of measures pursued towards that property since the period at which he left it in supposed security in your dominions, and consequently without the possibility of his having done anything there which could justly draw down upon him so dreadful an infliction of punishment.

I might well entreat your consideration of this heavy and undeserved calamity on my own account alone; but I have others also dependant on me for protection and support. I have children to educate and to maintain; nor can I, without a pang which would embitter my whole existence, consign them silently to ignorance and indigence after they have passed their youth in well-founded expectation of respectability in life. If it were the determination of your Government to punish me for my supposed offences, it never could have been their intention to visit the sins of the father upon the children, or make them to feel, during the remainder of their lives, the weight of an evil which must have been designed for me alone: and yet, without the restoration of my property, this must be the inevitable result.

I will not tire the patience of your Honourable Court by a recapitulation of what has been so often repeated in my former letters; but you will, I hope, forgive me for reminding you, that soon after my arrival in England, and on receipt of intelligence that my establishment in India was breaking up, and my property there dissipating and wasting away under the charge of one of your own servants placed in my house, and made, by an act of your Government, contröller of all I possessed, I asked your permission to return to Bengal for such short period as you might deem proper, merely to pay my just debts to others, to recover those due to myself, and to gather up the fragments of my wrecked and ruined property before it was altogether annihilated. This request was refused me; and the result has been, that not only has all that then remained been since entirely swallowed up, but heavy debts have been accumulated against me, which never could have taken place, had my return, for ever so short a period, been then permitted.

When I look around me, and see the fate of others who have been since placed in circumstances similar to my own, there appears to me something incomprehensible in my unhappy destiny. I see a printer in New South Wales, whose office was closed by some government functionary, reinstated in all his rights of property by an English judge. I observe an editor in the West Indies, whose journal was suppressed, allowed to resume it again within a short period on his own account. I remark, that two men of colour banished from Jamaica, in the supposition of their being foreigners, are to be restored to their property and their homes. I find Mr. Greig, the editor of the Cape Gazette, suppressed by Lord Charles Somerset, allowed by the King's Government to return and re-establish his press with a full restitution of all his property, and ample security against any similar violation of it in future. I learn, with even more pleasure still, that Mr. Arnot, although he never had any licence to reside in your territories, or made any large accumulation of property from years of labour in India, from which he was removed avowedly on the same grounds as myself, has nevertheless his actual losses repaired by the justice or generosity of your Honourable Court.

What inexpiable crime have I then committed, which should shut me out from all hope of redress, while others have their claims attended to, and injuries of not one-tenth the severity or extent compensated within a few months, though mine have now lain for years unrepaired? If, it be, that instead of following the example of more fortunate appellants, and throwing myself on the mercy of those in whose hands the power of redress is placed, I have been induced to lay my claim before you as one of right, I can truly say that I adopted the latter course, in the conscientious belief that your Honourable Board would view the question of property, divested of all its political associations, in the same light as I had done. But in conceiving that my losses gave me a title to reparation as a matter of right, it appears that my views were erroneous; I therefore yield unresistingly to this decision, and abandon all claim of right accordingly. Notwithstanding this result, however, I still venture to hope that the door of your Court is not irrevocably closed against me; and in this hope I now place my prayer as a petitioner upon its threshold; and for my children's sake, I implore that it may yet be heard.

Your Chief Justice, Sir Francis Macnaghten, avowed his conviction in the most solemn manner from the bench, that the property vested in the Calcutta Journal ought to be respected: your Governor-general, Lord Amherst, as distinctly admitted the same principle, when it was pressed on his consideration. The late Mr. Adam also, in the pamphlet published by him soon after my departure from Bengal, disclaimed explicitly any intention of undue severity towards me personally, as he considered my removal from the country a sufficient punishment. In addition to all which your Honourable Court itself, through its late chairman, publicly expressed a regret that I had not remained in India to accumulate a fortune by those talents which he was pleased to say I possessed, instead of appearing, as I then did, in the character of an individual appealing for redress to the Court over which he presided.

What need I say more? That fortune was acquired, at least to as great an extent as my most sanguine wishes reached, and this too under the sanction of your Honourable Court, whose licence to remain in India was sent out to me from England, and recognised by the authorities

authorities there as sufficient to warrant my continuing to reside in Bengal, under the sanction of the Governor-general himself, and in strict conformity with every existing law. At the period of my leaving India, therefore, I was as honourably and as lawfully possessed of 8,000*l.* a year in income, or 40,000*l.* in value of tangible and saleable property, as any member of your extensive body who draws that amount of dividend, or holds that amount of capital in India stock. By the measures of your Government, enacted and carried into operation since that period, I have been as effectually and entirely deprived of that income and that property, as if it had set fire to the whole on the spot, leaving me at last incumbered with heavy debts, without my being permitted even to gather up the fragments of the wreck, which are now irrevocably scattered to the winds.

Surely, Honourable Sirs, if this question of the total destruction of my property for acts done by others, and since I quitted your territories, be but calmly considered, you can hardly fail to compassionate the unparalleled severity of my sufferings, and in this spirit, to receive my present appeal to your generosity for some consideration at least, in order to lessen the amount of those pecuniary embarrassments with which, in consequence of the measures of your servants in India, I now am, and must for a long period to come, be overwhelmed.

However great the magnitude of all that I have lost may appear to me, when I contrast the silent horror of debt, and the dreary prospect of a prison now, with the brilliant pictures of affluence, and the scenes of wealth and enjoyment by which I was surrounded but a few brief months ago; yet to you, who are the stewards of so vast an estate, the mere amount of the injury cannot be a reason for its not being repaired. Your Treasury has already afforded to Mr. Arnot, my assistant, a full compensation for his losses; and all I ask is, that from the same source, and with the same feeling which awarded this, my children may also be rescued from that state into which the utter annihilation of their parent's fortune must otherwise inevitably plunge them. If the whole amount of this should seem too large, I shall be grateful for whatever portion may to your own breasts appear a reasonable and adequate compensation for the heavy and undoubted losses which I have sustained, in a pecuniary point of view alone, to say nothing of those severe and protracted bodily and mental sufferings that have already preyed upon my frame and spirits for so long a period, and which, though future competence may soothe, no wealth can uncreate or remove the remembrance of for ever.

Finally, as on this question I throw myself entirely on the moral sense of justice and right feeling in your Honourable Court, without at all adverting to legal claims of right, I will not venture to suppose the possibility of my prayer being utterly rejected. Let my children at least receive at your hands a restitution of those hopes so unexpectedly torn from them by the loss of all that would have cheered the prospects of their future life, for their innocence, as well as injury, must be beyond all doubt; and these considerations may, I trust, be permitted to plead for them, where my voice would intercede in vain.

I have the honour to be, Honourable Sirs,

Your most obedient humble servant,

Cornwall Terrace, Regent's Park.

(signed)

J. S. Buckingham.

To Joseph Dart, Esq., &c. &c.

Sir,

London, 14th November 1825.

As it is of the highest importance to me, that the accompanying supplementary letter to the Honourable Court of Directors should be presented and read at the same time with or immediately following that which I had the honour to forward to you on the 12th instant, I have to request the favour of your laying it before them accordingly, at to-morrow's Court, should my first letter be presented on that occasion.

I have the honour to be, Sir,

Your most obedient humble servant,

11, Cornwall Terrace, Regent's Park.

(signed)

J. S. Buckingham.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

London, 13th November 1825.

SINCE my letter of yesterday was sent in to the Secretary of your Honourable Court, it has been suggested to me that mention should be made of the specific acts of the Bengal government, to which the losses I have sustained may be clearly attributed. I beg permission therefore to enumerate them in this supplementary letter.

1. When the Regulation was passed for placing all the newspapers in Bengal under a licence, which was subsequent to my removal from India, the Chief Justice, Sir Francis Macnaghten, consented to its being registered in the Supreme Court, only on the express condition, and with a positive pledge, that the property vested in all the existing papers, and more especially that of the *Calcutta Journal*, which was mentioned by name, should be respected; adding, that if he had not received such an assurance from the Government itself, he would not have consented to give the Regulation the force of law, by registering it at all.* In the case of Mr. Arnot, who gave offence to the Bengal government by his allu-

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* Speech of the Chief Justice, 31 March 1823.

sion to Dr. Brycc as the cause of my removal from India, the Governor-general and Council distinctly admitted their intention to recognise and respect this pledge, when they assigned as their reason for ordering Mr. Arnot to quit the country, that there was no other mode of expressing their displeasure "without injuring the interests of the sharers in the property;"* thereby confirming the conviction that this property would not be destroyed. Soon after this Colonel Stanhope's pamphlet on the press of India was republished section by section in the Calcutta Journal, the absence of all intimation on the part of the Government as to the early portions being objectionable encouraging Mr. Sandys the editor to continue them through several weeks, until the whole series of the essays was concluded. It was not until some days after this had been entirely closed, that any indication was given of such publication being displeasing to the Governor-general in Council; and then, instead of removing Mr. Sandys, as Mr. Arnot had been removed, and insisting on some other editor being put in his place, by which the property of the shareholders in the paper might have been preserved, and the views of the Government, with respect to the control over all subjects of discussion as effectually secured, the licence for publishing the paper was entirely withdrawn.† By this act, the whole value of the property, which consisted in its continued employment and consequent productiveness, was at once destroyed, in violation of the pledge given by the Chief Justice, when the licensing regulation was passed and recognised and acted on by the Governor-general in Council when Mr. Arnot was removed.

2. On a representation made to the Government by the principal proprietors of the suppressed journal, setting forth the extent of the injury inflicted on their property by this act, the Governor-general, Lord Amherst, promised to renew the licence of the paper, in order to repair, as far as such renewal might effect it, the loss sustained by the shareholders from this suppression. On the faith of this promise, the whole establishment of the office was kept up for several weeks, in daily expectation of the promised licence being granted; which procrastination on the part of the Government was attended with a heavy loss in the continued expenditure maintained without receipts, and with still greater injury from the daily loss of the old subscribers to the paper, who, tired with waiting for its perpetually promised but still delayed appearance, went over to other papers, and particularly to the *Bengal Hurkaru*, then edited by Lord Amherst's own personal physician, Dr. Abel, on terms which made his emoluments increase with the number of his subscribers, giving him therefore a direct interest in the protracted suspension and ultimate ruin of the *Calcutta Journal*, whose loss was his gain.

3. After a long and ruinous expenditure had been thus maintained, on the pledge of a licence being granted for the renewal of the *Calcutta Journal*, under its original editor and proprietors, it was at length determined by the Governor-general in Council, that no such licence should be granted, except on condition of a new editor being appointed who should be a covenanted servant of the Government, in order that they might possess an entire control over his conduct, and regulate his proceedings according to their will and pleasure. This condition, unexpected and unacceptable as it was, was nevertheless complied with by the agents of the property, Messrs. Alexander & Co., rather than lose the only chance that now remained of repairing the ruin already created, by an endeavour to recover the loss of money, time, and subscribers, occasioned by the suppression and delay adverted to. The renewal of the "*Calcutta Journal*" was accordingly announced to take place on Monday the 1st of December 1823, under its original designation; but the Governor-general again changing his mind on this subject, a letter from the Chief Secretary was sent to the office late on Sunday evening, the day preceding its intended appearance, forbidding its publication under its original name; which obliged the printer to issue another announcement explaining the cause of the new delay, and postponing its appearance indefinitely till the Government should fix on the new appellation by which the paper might in future be known.

4. After this second suppression of the paper, for no other assigned cause than that its name was offensive to the Governor-general, who did not wish to see the words "*Calcutta Journal*" revived, the whole of the months of December and January were suffered to pass away, with all the establishment of the printing-office maintained as before, in the daily expectation of the Government settling the name of the paper, and permitting it to go forth to the public: when it was at last proposed to call it "*The British Lion*,"‡ a name of which Lord Amherst approved, and all difficulty on that head seemed now to be overcome, but not until after a great expenditure of money and further loss of subscribers going over to other papers had resulted from this second delay.

5. On the very eve, however, of recommencing the paper under this new designation, another fresh difficulty was started on the part of the Government: their own editor had been accepted, their own name adopted, and every condition exacted by them had been complied with to the utmost, both in the letter as well as the spirit of their commands. But it appearing that Dr. Muston was only to have a large salary and a commodious dwelling rent free, (with a necessary exemption from all his medical duties, though still receiving the Government pay,) while the profits of the paper, if any, were to go to the original owners of the property, of which I still held by far the largest share, the Government came to the further resolution that no licence should be granted to the paper at all, so long as I or any of the original

* Letter of Mr. Secretary Bayley to J. Palmer and G. Ballard, Esqrs., 3 September 1825.

† Letter of Mr. Secretary Bayley to Messrs. Sandys, Ballard and Rozario, dated 9 Nov. 1823.

‡ Letter of Dr. Muston to Mr. Secretary Bayley, 29 January 1824.

original proprietors of the *Calcutta Journal*, held any share whatever in its property.* They signified in the most distinct and explicit manner their firm determination not to be satisfied with anything short of the complete sale and transfer of the whole of the property from my hands to those of their own servant, Dr. Muston, the only editor to whom they would grant a licence for carrying it on; and to him only as *bonâ fide* proprietor of the property, to reap all the profit that might arise from its use, and not merely as an editor conducting it, on however large emoluments, for the benefit of those to whom the property of right belonged.

6. Nothing now remained but to abandon the property entirely and submit to a total loss, or to comply with the conditions imposed by Government on the renewal of the paper. But as Dr. Muston was a man already deeply embarrassed with debts for which he had been some months before imprisoned, till released, because of the entire hopelessness of his being able to pay them, and was therefore unable to raise a sum equal to that required for a money purchase, it was found necessary to make such a conveyance of the property to him as would satisfy the conditions exacted by the Government, guaranteeing to him the whole of whatever profits might accrue above a certain rate of interest to be paid to the original proprietors, but still retaining on the part of the latter the full responsibility for all debts contracted in carrying the paper on, as no one could be found ready to supply a mark in Dr. Muston's known situation, with the current materials required, without that security for payment which the original proprietors could alone guarantee.

7. This being done, and the editor thus forced into the management of the property by the stipulations for that purpose which the Government thought proper to exact, being fairly seated in his office, he continued to conduct the new paper under the title of the "*Scotsman in the East*," (the intended name of "*The British Lion*" having been abandoned) for several months, until the close of 1824, in so destructive a manner, that instead of any interest accruing to the original proprietors, nothing was paid but his own and his assistants' emoluments. On the contrary, a number of heavy debts were contracted, which Dr. Muston was unable to pay, and which came therefore on the proprietors to add to their loss; while the materials of the office, perfect and complete as they were when left by me at my departure, were of necessity brought to the hammer as the only means of disposing of them, when there being no purchasers to compete with each other for materials which the Government would allow only one favoured man to use to advantage, the splendid collection of printing apparatus, which it had cost me upwards of 20,000 £ sterling in money to get together, was knocked down in lots for the mere value of the wood and metal of which the presses and types were composed, bringing altogether the sum of 18,237 rupees, or little more than 1 s. 6 d. in the pound of their prime cost!

8. By the first suppression of the paper, and the consequent loss of subscribers, who in consequence of this suppression only went over to other papers, there was sustained a positive loss of at least 20,000 £, reckoning the copyright and goodwill of the concern as worth only five years' purchase, at which it would have sold at any time, if not suppressed by the Government, as the establishment was clearing, as a mere printing concern connected with the paper, upwards of 4,000 £ sterling per annum at the time of its first suppression,† when Mr. Sandys might have been removed, as Mr. Arnot had been, and the property still kept together under some other editor.

9. By the several months expenditure maintained on the faith of a licence being granted for the renewal of the paper, while not a shilling was receiving during the whole period, a loss occurred of more than 30,000 rupees, or 3,000 £ sterling, which would not have occurred had the Government given no hopes that it did not mean to fulfil.

10. By the destructive management of "*The Scotsman in the East*," in Dr. Muston's hands, not only was all the common interest of the capital employed entirely consumed, leaving the proprietors nothing whatever to receive, but a loss of 28,000 rupees, or 2,800 £ sterling was incurred in debts, which the proprietors, of whom I am the principal, are called upon to pay.

11. In consequence of the solemn assurances so publicly given by the Chief Justice and the Governor-general on two separate and distinct occasions, that the property of the *Calcutta Journal* would be respected, I continued long after my arrival in England to send out such supplies of printing paper, books and other materials as were likely to be required for current uses, on which account alone I have incurred a debt of 2,500 £ sterling, although the greater portion of these materials have been since consumed in the ruinous management of Dr. Muston while the establishment was under his direction, and in the still more ruinous sale, when it was found necessary to bring the wreck to the hammer as the only way of preventing further accumulation of debt thereon.

12. By these successive measures, all pursued by the government of your servants in Bengal, and without the possibility of any act of mine having deserved such punishment, as they have all transpired since I quitted the country, and have reference to the acts of others, I have suffered, at the lowest calculation, an actual loss of 40,000 £ in money value, and am, in addition to this calamity, made responsible for debts to the amount of nearly

* Letters of Mr. Secretary Bayley to Dr. Muston, 31 December 1823; January 16th and 30th, and February 10th, 1824; and Letter of Mr. Harrington to Dr. Muston, 13 January 1824.

† It produced 8,000 £ a year under my own management, and was worth, at five years' purchase, 40,000 £; at which rate of value one fourth of the whole was actually sold.

APPENDIX TO REPORT FROM

nearly 10,000 *l.* more ! As therefore all the resources brought with me from India are now exhausted, and as I have entered into various pecuniary engagements since my arrival in England, on the faith of my property in India being available to enable me to fulfil these engagements at the appointed time, there remains no hope whatever of my escaping bankruptcy and a prison, but by a restitution of some portion at least of those heavy losses incurred by the measures of your servants abroad, and in my absence from the country now impossible to be recalled.

13. My punishment has been already so severe and unexampled, considering the nature of my alleged offence, that it is humbly hoped Your Honourable Board will not add to my sentence of perpetual exclusion from one quarter of the globe, perpetual poverty and degradation in every other, or compel me to seek an asylum from the tempest in a painful and necessitous exile from the friends of my youth and the country of my birth, after being driven for a slight excess of well-meant zeal from the friends of my manhood and the country of my adoption by choice, where I was acquiring an honest fortune for my children, and an honourable renown for myself. If by your rejection of my present prayer, I am effectually banished from both, I can then have no hope of a resting-place but in the grave.

I have the honour to be, Honourable Sirs,

Your most obedient humble servant,

Cornwall Terrace, Regent's Park.

(signed) J. S. Buckingham.

To James Silk Buckingham, Esq.

Sir,

East India House, 23d November 1825.

I HAVE laid before the Court of Directors of the East India Company your letters of the 12th and 13th instant, and I am commanded to acquaint you that the Court can only repeat the intimation conveyed to you by their assistant-secretary's letter of the 15th September last.

I am, &c.

(signed) J. Dart, Secretary.

To the President and Board of Commissioners for the Affairs of India.

Sirs,

London, 3d September 1824.

SINCE I had last the honour of addressing you, in September 1823, so many and such important changes have taken place with respect to the measures pursued against my property in India, that I have felt myself compelled to appeal once more to the justice of the Court of Directors of the East India Company for redress. I regret to state, however, that my application has been without success. Under these circumstances, I venture again to avail myself of the privilege allowed by the Legislature to lay before your Honourable Board the enclosed copies of my recent correspondence with the Directors of the India Company.

I feel persuaded that there never yet has arisen a case in which the power vested by law in the Board of Control for the Affairs of India could be exercised with greater justice than in the present instance, and I therefore venture to hope, that after a perusal of the correspondence in question, your Honourable Board will order a restitution of our property to be made to myself and my copartners in the Calcutta Journal ; and that you will also furnish me with a licence to return to India, there to resume and continue my lawful pursuits, in such manner as the state of my affairs, on my reaching that country, may admit, subject to whatever laws may be then or hereafter in force on all other persons residing in the presidency of Bengal, to which, if permitted, it is my wish to return.

I beg to add, that I shall be most happy to accept of either of the three modes of remuneration pointed out in my letter to the India Directors, and shall feel grateful for whatever mode you may recommend or direct them to adopt towards me : I cannot persuade myself, however, that all will be rejected.

Soliciting the favour of an early reply through the usual channel,

I have the honour to remain, Sirs,

Your most obedient humble servant,

(signed) J. S. Buckingham.

To James Silk Buckingham, Esq.

Sir,

India Board, 14th September 1824.

HAVING laid before the Commissioners for the Affairs of India your letter of the 3d instant, enclosing copies of your correspondence with the Court of Directors of the East India Company on several points connected with your removal from India, and your property there ; I am directed by the Board to acquaint you, that they do not see any ground for interfering with the decision of the Court upon any of the points stated in your letters.

I am, &c.

(signed) T. P. Courtenay.

To the President and Board of Commissioners for the Affairs of *India*.

Sirs,

London, 20th September 1825.

I FEEL myself again compelled to appeal to the justice of your Honourable Board, against the unjust decision of the Court of Directors of the Honourable East India Company, who still continue to refuse me the slightest reparation for the entire destruction of my private property by their servants in Bengal.

The enclosed copies of letters addressed to that Body, accompanied by a printed collection of documents recently obtained from India, which I have now the honour to lay before you, will show, on evidence the most conclusive, that the Indian Government, not satisfied with banishing me without a trial from the country, were determined that even the property which I left behind me there, in the confidence of *that* at least being secure, should also be made as unproductive to me as possible, by decreeing that it should not be made any use of while it belonged to me, though they at the same time offered to permit its use, if it could be transferred to the possession of others. I have thus been made to suffer doubly; first, for my own alleged offences; and, secondly, still more deeply, for the alleged offences of others, *after* I had left the country, and when I could not therefore, by any possibility, have been a party to any acts committed in it.

The only reply that I have received to my reiterated demands of justice is, that the Directors of the East India Company do not consider that I, or any of my copartners in this destroyed property, have any just claim on them whatever. I feel persuaded, however, that on a perusal of the correspondence enclosed, your Honourable Board will not concur in that opinion: and I trust that the powers with which the Legislature has invested you, for the purpose of controlling the conduct of the Directors, and ordering them to pursue such measures as may be deemed most conducive to the ends of justice, will be exercised on this occasion, to direct that some restitution at least be made to myself and my copartners, for the destruction of that private property which all civilized governments hold sacred, and over which it never could have been the intention of Parliament to give the Government of India a power unknown to any other of the dependencies of Great Britain, and one which the highest authorities of this country never venture to assume; namely, that of interdicting at their mere will and pleasure, without any form of trial or process of law, the use of materials acquired by years of toil, anxiety and expense.

I beg to enclose under this cover the original of the last letter received by me from the India House, in reply to the correspondence adverted to, which will be found in an accompanying packet; and in the anxious hope that your Honourable Board will see justice done to those claims which I prefer on behalf of myself and others,

I have the honour to remain, Sirs,

Your most obedient humble servant,

(signed) J. S. Buckingham.

To James Silk Buckingham, Esq.

Sir,

India Board, 3d October 1825.

I AM directed by the Commissioners for the Affairs of India to acknowledge the receipt of your letter of the 20th ultimo, together with the papers which accompanied it, and to acquaint you in reply, that the claim which you have preferred to the Court of Directors is one respecting which the Board do not feel themselves competent to interfere.

The letter addressed to you by the assistant-secretary of the East India Company is herewith returned.

I am, &c.

(signed) Tho. Pere. Courtenay.

VI.

COPY of all **CORRESPONDENCE** between the *Bengal Government* and the *Agents of the Proprietors of the Calcutta Journal*, after *Mr. Buckingham's* departure from *India*, concerning the Conduct of the said Journal, and the Revocation of the **LICENSE** granted for the same.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 10th April 1823.

No. 8.—To Mr. J. F. Sandys, Editor of the Calcutta Journal.

Sir,

THE Calcutta Journals published since the charge of editing that paper has been transferred to your hands, have contained numerous articles, the character and tendency of which are in direct violation of the rules established by Government on the 19th of August 1818, for the guidance of editors of newspapers at this Presidency, a copy of which was officially transmitted to your predecessor, and is of course in your possession.

2. No change in this respect having taken place in the mode of conducting the Calcutta Journal since the removal of Mr. Buckingham from India, I am now directed to notify to you for your information and that of other individuals concerned in the Calcutta Journal, that if the rules in question, or any others which the Government may prescribe, be not duly attended to, immediate measures will be taken for enforcing the observance of them.

I am, &c.

15th March 1823.

(signed)

C. Lushington,

Secretary to the Gov^t.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 23d April 1823.

THE following correspondence received from the Office of the Chief Secretary, originating in the appearance of a letter in the Calcutta Journal of 2d instant, signed "A young Officer," is ordered to be here recorded.

No. 1.—Adjutant-general of the Army to the Secretary to Government.

Sir,

Military Department.

I AM directed by the Commander-in-Chief to transmit to you the accompanying copy of a letter signed "A young Officer" which appeared in the Calcutta Journal on the 2d of this month, and to which his Excellency's attention has been particularly drawn, from its involving a very serious violation of a General Order (a copy of which is also enclosed) by the late Commander-in-Chief, under date the 8th June last, and the Commander-in-Chief recommends that Government may be pleased to adopt measures to ascertain the author of the letter in question, with a view to his being made to answer for so direct a disobedience of a positive General Order, which, under the nature and recent occurrence of the circumstance that occasioned its promulgation, must have been fresh in the recollection of, and ought to have been respected by every individual of the army at large.

I have, &c.

Adjutant General's Office,
Pres^t of Fort William, 8th April 1823. }

(signed)

J. Nicol,

Adj^t Gen^l of the Army.

No. 2.—From the Calcutta Journal, dated 2d April 1823.

APPLICATION FOR IMPORTANT INFORMATION.

To the Editor of the Journal.

Sir,

AMONG the General Orders published in your Journal of the 7th ultimo, there is a regulation under date 31st January, stating, that in conformity with instructions recently received from the Court of Directors, "no officer will henceforward be appointed to fill any situation in the General Staff of the Army, who shall not have served four years, three of which in the actual performance of Regimental or Staff Duty with a Corps." Of this very proper regulation no modification whatever has been publicly notified, but as the very first nomination to the General Staff since its promulgation is that of an officer (Lieutenant T. F.) who has never once joined his regiment, nor done duty with any other corps except for a few (eight or nine) months at Barrackpore, upon his first arrival in the country, it is obvious that, under particular circumstances at present not generally known, the qualification required by the regulation in question may be dispensed with.

Now,

Now, Sir, as some hundreds of your juvenile military friends have not performed regimental duty for so long a period as three years, a knowledge of the *particular circumstances* just adverted to, must be of very great importance to them. I therefore trust that some correspondent of the Journal who may be in possession of the secret, will kindly let them know how they may obtain a cocked hat, and the honours and emoluments attached thereto, without being subjected to the severities of regimental discipline, until they have had time to acquire a competent knowledge of the most essential duties of a soldier.

As it is probable that the worshippers of ignorance and folly will attribute improper motives to me, I beg leave to declare, that I have been induced to trouble you with this, solely with a desire to elicit information, which materially interests, and ought to be known by every aspiring

Young Officer.

GENERAL ORDERS by the Commander-in-Chief, Head Quarters,
Calcutta, 8th June 1822.

THE Commander-in-Chief has observed with great dissatisfaction a practice indulged by officers or by persons assuming that character, of addressing anonymous compliments to the public through the newspapers respecting imagined professional grievances. It is visible the reader cannot assure himself that any particular case so stated is not fallaciously represented through the inexperience, the miscomprehension, or the perverse views of the writer, consequently the appeal is essentially devoid of any possible utility. But it is obvious that in this procedure the legitimate sources of redress are neglected, so that the purpose must be, to give a general impression of inattention, oppressiveness or injustice in those with whom the superintendence of such concerns is lodged. The extreme mischief and improbity of these endeavours have probably not been perceived by the writers, whom the Commander-in-Chief is willing to regard as having yielded only to a momentary inconsiderateness. The habit however of an officer's thus casting off his just and requisite dependence on his military superiors, must not be permitted; the Commander-in-Chief therefore in the strictest manner prohibits officers from sending to the newspapers any such anonymous representations as are above described. Should a letter of that nature henceforth be traced to any officer, and means will be taken to make the discovery almost inevitable, the Commander-in-Chief will immediately submit to the Governor-general in Council the necessity of suspending the individual from duty and pay, while a solicitation is made to the Honourable Court for his entire removal from the service.

True copies.

(signed) J. Nicol,
Adj^t Gen^l of the Army

No. 3.—To the Editor of the Calcutta Journal.

Sir,

I AM directed by the Honourable the Governor-general in Council to desire that you will without delay, communicate to me for the information of Government, the name of the author of the letter, signed "A young Officer," which was published in the Calcutta Journal of the 2d instant.

10th April 1823.

I am, &c.
(signed) W. B. Bayley,
Chief Sec^y to Gov^t.

No. 4.—Editor of the Calcutta Journal to W. B. Bayley, Esq.,
Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter under yesterday's date, stating that you are directed by the Honourable the Governor-general in Council, to desire that I will without delay communicate to you for the information of the Government, the name of the author of the letter, signed "A young Officer," which was published in the Calcutta Journal of the 2d instant.

In reply I beg leave to acquaint you, for the information of the Government, that I never was in possession of the name of the author of the letter referred to. It was received through the letter box in my unavoidable absence from the office, and I am informed it bore no post mark, and that it appeared to be written in a feigned hand. I myself never saw the manuscript. I solicit permission to state that some time previous, and subsequent to the receipt of the letter in question, I was labouring under a serious inflammation of the eyes, and that had I seen the letter, I should not have allowed it to appear in the columns of the Calcutta Journal. I cannot sufficiently regret my bodily indisposition at a time when it was essentially necessary to watch over the Paper with the strictest vigilance.

Calcutta,
11th April 1823. }

I have, &c.
(signed) John Frs^s Sandys.

No. 5.—To Mr. John Francis Sandys, Editor of the Calcutta Journal.

Sir,

I AM directed to acknowledge the receipt of your letter of this date, and to apprise you that unless the information required in my letter of the 10th instant is furnished before 12 o'clock to-morrow, the Postmaster-general will be instructed not to permit the circulation

of the Calcutta Journal, by means of the Public Establishments maintained for the conveyance of the Dawk or Dawk Baugies, and that the prohibition will remain in force until the requisition is complied with.

11th April 1823.

I am, &c.
(signed) *W. B. Bayley,*
Chief Secretary to Govt.

No. 6.—Editor of the Calcutta Journal to *W. B. Bayley, Esq.,*
Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, and cannot but sincerely regret the determination of Government, not to permit the circulation of the Calcutta Journal by means of the Public Establishments maintained for the conveyance of the Dawk or Dawk Baugies, for I beg leave to make my asseveration, that I am not in possession of the name of the author of the letter signed "A young Officer;" should the Government however still entertain any doubts on the subject, I shall, if required, feel no hesitation to make my Affidavit as to the correctness of what I have already stated.

Calcutta, }
12th April 1823. }

I have, &c.
(signed) *J. F. Sandys.*

No. 7.—To Mr. *J. F. Sandys*, Editor of the Calcutta Journal.

Sir,

I AM directed by the Honourable the Governor-general in Council, to acknowledge the receipt of your letter of this day's date, in which you have repeated the assurance that you are not acquainted with the name of the author of the letter signed "A young Officer," and have expressed your readiness to make an Affidavit of the truth of that assertion, and of the other facts specified in your letter to my address of the 11th instant.

You have already expressed your regret that the letter in question was published in the Calcutta Journal, and have stated that if it came under your observation, you would not have allowed it to be published.

In consideration of the foregoing circumstances, the resolution of Government to prohibit the conveyance of the Calcutta Journal, by means of the Post Office Establishments, has not yet been carried into effect; and I am now directed to require that you will forward to my office, in the course of Monday next, an Affidavit declaring that you are entirely ignorant of the name of the author of the letter above noticed, and verifying the other facts specified in your letter to me of the 11th instant.

The Governor-general in Council has further directed me to state that he expects you to use every exertion in your power to discover the author of the letter in question, and that if it should become known to you, you will immediately report it for the information of Government; should any ground of doubt arise with regard to the correctness and sincerity of your exertions for this purpose, the Governor-general in Council will be reluctantly compelled to have recourse to the measure of prohibiting the circulation of the Calcutta Journal, through the channel of the Post Office Establishment.

April 12th, 1823.

I am, &c.
(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 8.—Editor of the Calcutta Journal.

Sir,

I AM sorry that indisposition has prevented my leaving home to-day, and in consequence I have not been able to forward the Affidavit to your office as required in your letter received yesterday.

Calcutta, }
14 April 1823. }

I have, &c.
(signed) *Jno. Frs. Sandys.*

No. 9.—To *W. B. Bayley, Esq.,* Chief Secretary to Government.

Sir,

I NOW beg leave to transmit herewith to your office the Affidavit required in your letter to my address of the 12th instant.

Calcutta, }
15 April 1823. }

I have, &c.
(signed) *J. F. Sandys.*

No. 10.

JOHN Francis Sandys, of Calcutta, in Bengal, gentleman, Editor of the Calcutta Journal, maketh oath and saith, That the original of a letter in the printed Paper hereunto annexed, marked with the letter A., headed "Application for important Information," and subscribed "Young Officer," was received from the letter box of the said Journal, on or about the first

first day of April instant; and this deponent further saith, that the original of the said letter appeared to be written in a feigned or disguised hand; and that this deponent doth not know, nor hath he any ground to form any judgment or belief by whom the said letter was composed, written, or sent; and that he this deponent is therefore unable to discover or declare the name of the writer or author thereof.

(signed) *Jno. Frs. Sandys*

Sworn this 15th day of April 1823, before me,

(signed) *W. C. Bhuquiere,*
Magistrate.

No. 11.—To *J. F. Sandys*, Esq., Editor of the Calcutta Journal.

Sir,

I AM directed by the Honourable the Governor-general in Council to acknowledge the receipt of your letter of the 15th instant, with the Affidavit which accompanied it.

2. I am now directed to require that you will forward to my office the original manuscript letter signed "Young Officer," and that you will also obtain and forward to Government, as early as practicable, an Affidavit from the person who may have acted for you in conducting the duties of the Editor of the Calcutta Journal, during your indisposition on the 1st and 2d April, and from the person by whom the letter in question was taken from the letter box of the Calcutta Journal, to the same effect as that forwarded with your letter of the 15th instant.

17th April 1823.

I have, &c.
(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 12.—Editor of the Calcutta Journal to *W. B. Bayley*, Esq., Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt, at 4 o'clock, p. m., of your letter dated yesterday, and beg to say that the Affidavits therein required will be duly transmitted to your office.

The manuscript of a letter signed "A young Officer," was destroyed previous to the receipt of your letter under date the 10th instant. An Affidavit from the person who destroyed it will also be forwarded if required. I beg leave at the same time to submit my belief that the letter in question was not penned by any military gentleman, but by some person inimical to the Calcutta Journal, and resident in Calcutta.

I request permission to embrace the opportunity to solicit you will be pleased to inform me in reply to my letter of to-day's date, which accompanied the Affidavit required by the regulation for licensing the Press, whether I may continue to issue the Calcutta Journal as usual, confining myself to the rules published in a Government Gazette Extraordinary, under date the 5th instant.

Calcutta, }
18th April 1823. }

I have, &c.
(signed) *J. F. Sandys.*

No. 13.—To *W. B. Bayley*, Esq., Chief Secretary to Government.

Sir,

WITH reference to my letter of the 18th, in acknowledgment of your communication to me of the 17th instant, I now beg leave to transmit herewith to your office the Affidavits relative to the letter signed "A young Officer."

Calcutta, }
23d April 1823. }

I have, &c.
(signed) *Jno. Frs. Sandys.*

No. 14.

PETER Stone D'Rozario, of Calcutta, in Bengal, printer in the office of the Calcutta Journal, maketh oath and saith, That the original of a letter signed "A young Officer," did not contain the name of the writer of it, and that it appeared to be written in a feigned hand; and that he, this deponent, doth not know, or hath he any ground to form any judgment or belief by whom the said letter was composed, written or sent.

(signed) *P. S. D'Rozario.*

Sworn this 23d day of April 1823, before me, at the Calcutta Police Office,

(signed) *P. Andrew,* Magistrate.

No. 15.

THOMAS Heckford, of Calcutta, in Bengal, book-keeper in the office of the Calcutta Journal, maketh oath and saith, That the original of a letter signed "A young Officer," was received by him on or about the 1st instant, from Luckeynarain Chatterjee, a writer in the said office, and who has charge of the keys of the letter box; and this deponent further saith, that the original of the said letter did not contain the name of the writer of

APPENDIX TO REPORT FROM

it, and that it did appear to be written in a feigned hand ; and that he, this deponent, doth not know, or hath he any ground to form any judgment or belief by whom the said letter was composed, written or sent.

(signed) *Thomas Heckford.*

Sworn the 23d day of April 1823, before me, at the Calcutta Police Office,
(signed) *P. Andrew, Magistrate.*

No. 16.

FREDERICK Blacker, of Calcutta, in Bengal, librarian in the office of the Calcutta Journal, maketh oath and saith, That he is the person who destroyed the original of a letter, signed "A young Officer," that it did not contain the name of the writer of it, and that it appeared to be written in a feigned hand ; and that he, this deponent, doth not know, nor hath he any ground to form any judgment or belief by whom the said letter was composed, written or sent.

(signed) *Fred. Blacker.*

Sworn this 23d day of April 1823, before me, at the Calcutta Police Office,
(signed) *P. Andrew, Magistrate.*

Ordered, That a copy of the preceding correspondence with the Editor of the Calcutta Journal be transmitted to the Adjutant-general of the army for the information of his Excellency the Commander-in-Chief, with reference to Lieutenant-colonel Nicol's address of the 8th instant, with the following letter.

No. 17.—To Colonel *James Nicol*, Adjutant-general of the Army.

Sir,

I AM directed by the Honourable the Governor-general in Council, to acknowledge the receipt of your letter, dated the 8th instant, with its enclosures, and in reply to transmit to you, for the purpose of being laid before the Commander-in-Chief, a copy of the under-mentioned correspondence which has taken place between the Chief Secretary to the Government and Mr. John Francis Sandys, editor of the Calcutta Journal, on the subject of a letter alluded to by you, signed "A young Officer," which appeared in that paper.

Letter to Mr. John Francis Sandys, dated 10th April 1823.

Ditto from ditto, dated 11th April.

Ditto to ditto, dated 11th April.

Ditto from ditto, dated 12th April.

Ditto to ditto, dated 12th April.

Ditto from ditto, dated 14th April.

Ditto from ditto, dated 15th April, with an affidavit taken by him before a magistrate of Calcutta.

Letter to Mr. J. F. Sandys, dated 17th April.

Ditto from ditto, dated 18th April.

Ditto from ditto, dated 23d April, with three affidavits.

Under all the circumstances of the case, it appears to Government to be useless to continue the correspondence further.

I have, &c.

(signed) *C. Lushington,*
Secretary to Government.

Council-chamber, 23 April 1823.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 8th May 1823.

No. 9.—Mr. *J. F. Sandys* to *W. B. Bayley*, Esq. Chief Secretary to Government.

Sir,

I BEG leave to transmit herewith the affidavit required by the Regulation for licensing the Press, and to solicit that the Honourable the Governor-general in Council will be pleased to sanction the publication of the Calcutta Journal, and its supplement, as specified in the above affidavit, conformably to the Rules laid down for the future guidance of the periodical press.

Calcutta, 18 April 1823.

I have, &c.

(signed) *J. F. Sandys.*

No. 10.

JOHN Francis Sandys, of Meredith's-lane, in the town of Calcutta, gentleman ; John Palmer, of Loll Bazar, in the town of Calcutta, merchant and agent ; George Ballard, of Mission-row, in Calcutta aforesaid, merchant and agent ; and Peter Stone D'Rozario, of Bankshall-street, in the town of Calcutta aforesaid, printer, jointly and severally make oath and say, That John Francis Sandys and Peter Stone D'Rozario, two of these deponents, now are and are intended to be the printers and publishers of a certain newspaper, called "The Calcutta Journal of Politics and General Literature," and also of a certain Supplement thereto issued on Sundays, entitled, "New Weekly Register and General Advertiser, for the station of the interior, with heads of the latest intelligence, published as a Supplement to the

the country edition of the Calcutta Journal," and that no person or persons is or are employed or engaged, or intended to be employed or engaged in the printing and publishing of the same newspapers, save and except these deponents, John Francis Sandys and Peter Stone D'Rozario; and these deponents further say, that the number of the proprietors of the said newspapers exceeds four, and that no person or persons resident within the said Presidency of Fort William, or places subordinate thereto, hold, to the knowledge or belief of these deponents, larger shares in the said newspapers and supplement than these deponents; and George Ballard and these deponents lastly say, that the name of the said newspaper now is, and is intended to be "The Calcutta Journal of Politics and General Literature," and that the name of the said supplement thereto now is, and is intended to be "New Weekly Register and General Advertiser, for the stations of the interior, with heads of the latest intelligence, published as a Supplement to the country edition of the said Calcutta Journal;" and that the said newspaper and supplement now are, and are intended to be printed and published in the lower apartments of a certain dwelling-house, numbered 4, situated in Bankshall-street, in the town of Calcutta aforesaid.

(signed) J. F. Sandys, J. Palmer,
G. Ballard, P. S. D'Rozario.

Sworn this 18th day of April 1823, before me,

(signed) H. W. Holhouse, Magistrate.

NO. 11.—LICENSE.

JOHN Francis Sandys having applied to the Honourable the Governor-general in Council for a License to print and publish in Calcutta a Newspaper entitled and called "The Calcutta Journal of Politics and General Literature," and a Supplement thereto issued on Sundays, entitled and called "New Weekly Register and General Advertiser, for the stations of the interior, with heads of the latest intelligence, published as a Supplement to the country edition of the Calcutta Journal," and having delivered to the Chief Secretary to Government the requisite affidavit, subscribed and sworn by him the said John Francis Sandys, and by John Palmer, George Ballard and Peter Stone D'Rozario: the Governor-general in Council does hereby authorize and empower the said John Francis Sandys and Peter Stone D'Rozario, to print and publish in Calcutta, at No. 4, in Bankshall-street, (being the house or place in the said affidavit specified) and not elsewhere, a newspaper to be called "The Calcutta Journal of Politics and General Literature," with a Supplement thereto to be called "New Weekly Register and General Advertiser, for the stations of the interior, with heads of the latest intelligence, published as a Supplement to the country edition of the said Calcutta Journal," and not otherwise, whereof the said John Francis Sandys and Peter Stone D'Rozario (and no other person or persons) are to be the printers and publishers; and whereof the said John Palmer and George Ballard are the two proprietors resident within the Presidency of Fort William, who hold the largest shares in the said newspaper and supplement.

By order of the Honourable the Governor-general in Council, this 18th day of April 1823.

(signed) W. B. Bayley,
Chief Secretary to Government.

NO. 12.—To Mr. J. F. Sandys.

Sir,

I AM directed by the Honourable the Governor-general in Council, to acknowledge the receipt of your letter of the present date, with its enclosure, and to transmit to you the accompanying license, authorizing you and Mr. Peter Stone D'Rozario, to print and publish in the English language a newspaper called "The Calcutta Journal of Politics and General Literature," and also a certain Supplement to be issued on Sundays, entitled "New Weekly Register and General Advertiser, &c." as requested by you.

I am, &c.

18th April 1823.

(signed) W. B. Bayley,
Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 15th May 1823.

NO. 6.—To the Editor of the Calcutta Journal.

Sir,

THE tenor of the article headed "Notorious Reviewer dissected," and signed "A Christian," in the Calcutta Journal of the 10th instant, being in direct violation of the 7th article of the Rules published under the authority of Government on the 5th ultimo, I have been directed by the Honourable the Governor-general in Council, to warn your assistant the consequences of any repetition of the offence or any infringement of the rules.

I have, &c.

Council-chamber, }
May 12, 1823. }

(signed) W. B. Bayley,
Chief Secretary to the Government.

Circular to the Editors of English Newspapers at the Presidency.

No. 7.—Circular to the Editors of the several newspapers, viz. John Bull, India Gazette, Bengal Hurkura, Government Gazette.

Sir,

I am directed by the Honourable the Governor-general in Council to transmit to you, for your information, the accompanying copy of a letter, which has this day been addressed to the Editor of the Calcutta Journal.

Council-chamber, }
12 May 1823. }

I am, &c.
(signed) W. B. Bayley,
Chief Secretary to the Government.

NOTORIOUS REVIEWER DISABLED.

To the Editor of the Journal.

Sir,

A CORRESPONDENT in your Journal, (the channel through which the injured naturally expect redress), formerly complained most justly of the gross and wanton insult offered by the Editor of the Oriental Magazine to a whole race of men intimately connected with all classes of Indian society, and not, for any sin of their own, which a christian preacher might have rebuked, but because they happen to be descended partly from European and partly from Asiatic parents. It may be difficult for your English readers to form an adequate notion of the offensiveness of the language employed by this writer, for epithets of vituperation have a peculiar force, known only in the circle where they are current. Thieves and pickpockets coin phrases for themselves, the true import of which is understood only by members of the gang; or if more extensively known, the infamy connected with them prevents their rising into use among the honest and sound part of society. The orators of Billingsgate have also their peculiar phraseology, which those however who have any pretensions to respectability are precluded from using; and even if their habits of life have made them familiar with such slang, they would guard against making the discovery by allowing it to pass their lips.

It would be needless to inquire how the term "half-caste," one of this class of vocables, came to be so familiar to the Editor of the Oriental Magazine. As regards him and his associations, and the language he is accustomed to use, it is enough to observe, that it is the first that occurs to him, even in literary composition. To meet with it in his conversation would have been less surprising, for there the readiest word usually comes out first; but in composition intended for the public eye, where we had not only personal respectability but a character to support, as a literary man, he must be steeped to the eyes in low vulgarity before he would allow such an expression to escape his pen.

Let me should be suspected of judging too harshly of the reviewer, I shall, with your permission, quote the passage to which I allude. It is contained in his attack on Mr. Buckingham, issued after that gentleman was removed from the scene, and had consequently no opportunity of defending himself from the aspersions of his enemies.

"The power of Government," says the reviewer, "over European editors had been always admitted, but it was doubted how far it extended to half-castes, or country-borns, as they are generally called, or Indo-Britons, as it has become of late more fashionable to term them. When Mr. Buckingham was about to leave Calcutta, he transferred the editorship of his journal to an Hindoo-Briton or half-cast," &c.

Thus were the most offensive terms ranged forth in front, and printed also in a different type to catch the eye, and the most vituperative repeated in a very few lines afterwards, but its use only once should not attract sufficient notice. Nothing could more plainly indicate than this the deliberate intention to insult and wound the feelings of the persons to whom they were applied. It cannot surely be for a moment dispatched, that those who see the language of Billingsgate taken up from the kennel and wantonly dashed in their teeth, by however sanctified hands, have a right to demand a sufficient apology, and it is equally manifest, that the individual who can descend to such low and disgraceful terms of abuse, can only wipe off the stain of having his mind contaminated with the basest feelings by showing his unfeigned contrition for the act he has committed.

I would desire no better picture of the mind of the individual who is the acknowledged conductor of the Oriental Magazine, than his "Notice to Correspondents," in exculpation of the above conduct. It will be difficult for me to trace him through all the serpentine turnings of this shuffling apology, but I shall easily show that the main grounds on which he excuses himself are deceitful, and consequently more disgraceful than the act itself.

"Two days (says he) after the appearance of our last number, our publisher handed to us a couple of letters, addressed to him, and complaining of our having applied a reproachful appellation to the class of people to which the Editors belong. We requested the publisher to assure the writers that nothing was farther from our mind than giving them or any of the body to which they belong any offence. We stated our ignorance of the light in which it seems the epithet is regarded, and we regret our not having so qualified its employment as to have removed from the mind of every candid and reasonable man every thing like an idea that we meant either reproach or offence."

Will any man of plain understanding credit that epithets repeated in the sippant and offensive manner above exhibited were not intended to give offence? that nothing, in fact, (not even perpetual motion, or the squaring of the circle) was farther from the writer's

mind?

mind? Those who can believe this, may probably also swallow the following: "We stated our ignorance of the light in which it seems the epithet is regarded."

Here is an assertion which ought to be recorded as a warning to all literary firebrands how far to sport with public credulity. A person who has many years ago written a work on India, who has passed a *Iustrum* (I believe) in its very capital, who has edited magazines, newspapers and pamphlets more than any one recollects of, and of course as a literary character has had an extensive intercourse with society on every variety of subject, and became intimately acquainted with their peculiar feelings and modes of thinking, this man having applied a grossly offensive epithet to an inoffensive body of men, calls on a too-credulous and indulgent public to believe him, when he has stated his ignorance of the light in which it seems the epithet is regarded! I cry shame upon such evasion. The detestable miscreants who crowd our Indian courts, making perjury a profession, would blush at such an exposure if their nature permitted them; yet the author has the assurance to call himself "guiltless as the child unborn." "Innocent as the lamb which never nipped the grass," would have been more poetical as well as "pastoral," and equally true.

Passing over his remarks on the threats of revenge which it appears his conduct has drawn forth, with merely observing that such assassin-like projects cannot be sufficiently reprobated, and are never found among men permitted to give vent to their feelings through the public press, I shall quote the next paragraph, containing another ground of excuse, which is equally futile, and which shows that the writer himself had no reliance on the former.

"Looking forward to the possibility of our Magazine being perused in England, and detailing proceedings connected with the public press of this country, which will perhaps be read with some interest at home, we employed the term so much cried out against as explanatory of the more modern, or as we said, 'more fashionable' appellations now in use. The names of Anglo-Indian, Indo-British, and Eurasian, do not convey to an English reader any thing like a distinctive notion of the class of persons to whom we were alluding. They are very well understood in India; but in England, they would appear to include all who have been born in this country of English parents; and we must have left our English readers in the dark on a subject on which, at the very moment we were professing to enlighten them, had we not employed some term with which they are acquainted, as synonymous with the more modern, but to them more ambiguous appellations."

As his pretended ignorance of the light in which the terms "half-cast" and "country-born" are here received, was no doubt intended to impose upon those residing in or lately from Europe; so the Editor no doubt hopes to palm the paragraph just quoted upon that portion of his readers who may have been born in, or long resident in this country. But I shall tear off the flimsy veil of deceit from this "guiltless child," and leave him naked and bare to the contempt and derision of every candid mind in Europe and in Asia.

If the Reviewer had been desirous, as he pretends, of explaining the meaning of the appellation "Indo-Briton," which is in itself sufficiently significant, he would naturally have done so in some such way as the following: This term is applied to those who are partly of British, and partly of Indian parentage. But instead of this, he employs two other terms, of equally, if not more, doubtful signification than that which he says they were intended to explain. This speaks for itself; but the shallow artifice is more thoroughly exposed by the pretence, that he wished thereby to make himself more perfectly understood in England.

Now the Reviewer well knows (since he is but lately returned from a visit to Europe) that the terms "half-caste" or "country-born" are not current there; and form, in fact, no part of the English language. Consequently they must convey only such an imperfect idea to a mere English reader as can be gathered from the composition of the word "caste" (or cast) being applied peculiarly to the Hindoo divisions of society as found in India; the Reviewer knows that "half-caste," the vile epithet he selected, must convey to the mind the most degrading of all imaginable distinctions, without any definite idea of the reason why individuals should be designated by an epithet which, while it indicates no connexion at all with the English race, seems to point out something lower than the lowest caste of Hindoos! This abominable, yet unintelligible term, the Reviewer (guiltless as the child unborn) pretends to employ for the purpose of enlightening the people of England on the affairs of this country! After such an insult to the public feeling, he need not have added another to their understanding.

In England the other term "country-born" will naturally be understood, as signifying any person born in the country, of whatever parentage he may be; and the public will therefore again observe the honesty and candour of the Editor in pretending that these foul epithets were employed for the purpose of removing the ambiguity of the word "Indo-Briton," which, as is self evident, is much more precise and intelligible. But if he means that they were necessary to explain the terms "Anglo-Indian" and "Eurasian," which he now introduces, he will find to the cost of his character that this artifice is much too shallow, for these terms were not resorted to at all in the original passage complained of, at page 53 of his Magazine, and quoted above; and the very fact of his avoiding these harmless, yet expressive appellations then, while he seized upon the most vague and offensive, is a most convincing proof of the malicious object he had in view.

Having given such a specimen of our Reviewer, and shown that his regard to candour and honesty is unworthy of a moralist, and his liberality unfit for a christian, I need not go over the rest of his defence, which is characterized by the same pitiful shuffling throughout. According to his mode of treating the subject, it would appear that when addressed in the

ruffian slang of Billingsgate, it is "silly and childish" to take offence! To denounce such abuse is "a senseless clamour at imaginary affronts" or "whining complaint," or again, "a fretful irritation, and peevish complaining against epithets." These expressions hastily called from the serpentine windings of the Reviewer, are part of the atonement he makes for a most gross and unchristian insult to a large class of the community. He talks as if it were a duty he owed to the public to vilify and degrade a large portion of it, and as if to abandon such vituperation were to demolish the "salutary distinctions which the law of the land and the manners of English society have erected." Now the laws of the land to which he refers have exploded such epithets from use, and respectable society has equally driven them out of countenance; but after they have been thus ousted from society and from every other Indian publication, they find refuge in the debased and vulgar columns of the *Oriental Magazine*, which it appears has been established as the receptacle of the very scum dregs of Indian literature. This the Reviewer seems to consider necessary for preserving the language from ambiguity and uncertainty. As common sewers preserve what is swept from the kennel, so the Reviewer may be allowed some merit as a literary scavenger, who labours in raking up words, the disuse of which and the introduction of others of a less offensive kind might, he thinks, be objectionable, "as introducing ambiguity and uncertainty into our language."

The use of such terms in the "*Asiatic Journal*," "*White's Considerations on India*," or other works published in England, affords him no excuse; since he himself admits, near the bottom of the same page, that in England the names "carries with it no reproach;" and therefore writers there could have meant no offence; however, the Reviewer knows that here the names he has used in a work published here, do carry with them reproach, and that no person acquainted with this country would have used them unless he had meant them to do so.

I cannot conclude without remarking on the malicious cunning of another of the Reviewer's excuses, founded on the use of the term "half an Englishman" in the newspapers. He well knows that this epithet of abuse was first hatched in *John Bull* (if not by the same writer who now brings it forward in his own defence) by the Editor of that scurrilous paper, inspired with probably the same or at least a kindred spirit. Consequently this term of reproach was afterwards used in the public papers in various ways, according to the fancy of the several writers; but it was reserved for the elegant Editor of the *Oriental Magazine*, to canonize this foul epithet which sprung from as foul a source. It was left for this "Preserver of the English Language" to set up Tauric as equal to Johnsonian authority.

But I have done with him and his disgusting subterfuges. He confesses that some anonymous Monitor has called him "a damnable hypocrite." Those who have read the specimen I have given above, will be at no loss to form a proper estimate of his character.

(signed) "A Christian."

(True copies) (signed) C. Lushington,
Secretary to the Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 26 June 1823.

No. 24.—EXTRACT from the proceedings of the Honourable the Governor-general in Council in the Judicial Department, under date the 19th June 1823.

To the Editor of the *Calcutta Journal*.

Sir,

I AM directed by the Honourable the Governor-general in Council to desire that you will refrain from inserting in the *Calcutta Journal* any further correspondence or remarks connected with the depending trial of the persons charged with the murder of the late Mr. Henry Imbach, or with the conduct of the Magistrate or other public officers in the district of Kishenagur.

2. Many of the observations which have been published on those subjects are in the highest degree objectionable; either as imputing to the public officers a criminal neglect of their duty, or as tending to obstruct the due course of justice by exciting a prejudice against individuals now under trial, and whose guilt or innocence remains to be proved.

3. A communication to the same effect will be made to the Editor of the *Bengal Hurkaru*.

Council-chamber, }
19 June 1823. }

I am, &c.
(signed) W. B. Bayley,
Chief Secretary to Government.

Ordered, That a copy of the above letter written to the Editors of the *Calcutta Journal* and *Bengal Hurkaru* be sent for information and record in the General Department.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 30th July 1823.

THE following letter from the Chief Secretary to Messrs. John Palmer and George Ballard, is ordered to be here recorded, together with the reply from those gentlemen, received this day.

No. 1.—To John Palmer and John Ballard, Esquires.

Gentlemen,

THE Governor-general in Council has observed with concern and disapprobation, several late indications of a disposition on the part of the Editor of the Calcutta Journal, to infringe the spirit of the Regulations of Government regarding the press, and to revive discussions and animosities which it was his desire finally to extinguish. I am accordingly instructed by Government to call your attention to this circumstance, and to intimate to you the expectation of the Governor-general in Council, that you will require from the editors and conductors of that paper the observance of such a line of conduct as may relieve Government from the necessity, which otherwise must arise, of taking measures which will be seriously detrimental to the interests of the proprietors.

July 5th. Article headed, "Prospective Arrangements," and advertisement referred to in it. The advertisement has been repeated several times since.

July 7th. "Intelligence regarding Nuwab Moatumud-ood-Dowla."

July 11th. "Affairs of Oudh."

July 14th. Letter signed, "Paul Puzzle Brain."

July 16th. "Colonial Policy."

July 17th. "The Tories Gridiron."

July 18th. "Intelligence regarding Oudh."

2. I am further desired to call upon you to state to me, for the information of Government, the names of any British subjects who may be now employed on the establishment of the Calcutta Journal.

General Department, }
18th July 1823. }

I am, &c.
(signed) W. B. Bayley,
Chief Secretary to the Government.

No. 2.—Messrs. John Palmer and George Ballard, to W. B. Bayley, Esq.
&c. &c. &c.

Sir,

WE have the honour to acknowledge the receipt of your letter of the 18th instant, and are sorry to learn therefrom, that the Editor of the Calcutta Journal has of late manifested a disposition to infringe the spirit of the Regulations of Government regarding the press, and intimating the expectation of the Governor-general in Council, that we should require from the editors and conductors of that paper, the observance of a line of conduct such as may relieve Government from the necessity of taking measures seriously detrimental to the interest of the proprietors. It also calls on us to furnish a list of the British subjects now employed on the establishment of the Calcutta Journal.

With a view to meet the wishes of Government conveyed in this letter, we sent it to the Editor of the paper in question, and have now the honour to wait on you with a reply, in which we hope he has afforded such explanations and assurance as may be deemed satisfactory.

We beg leave respectfully to state, that we shall at all times most readily become the medium of communicating the wishes of Government to the Editor of the Calcutta Journal; but if we are so employed under an idea that we possess any personal or particular influence in the management of this paper, we would wish to remove an impression which may lead to erroneous and very injurious conclusions.

We are, &c.
(signed) J. Palmer.
G. Ballard.

No. 3.—To John Palmer and George Ballard, Esquires.

Dear Sirs,

I HAVE to acknowledge the receipt of your letter of the 21st instant, with its enclosures of the 18th, being the original letter addressed jointly to yourselves by the Chief Secretary to Government, and in attention to your request, I now beg leave to give the explanation required.

The article headed "Prospective Arrangements," was not inserted, even with the most distant view, to revive discussions and animosities which it was the desire of the Governor-general in Council finally to extinguish; but simply in attention to Mr. Buckingham's instructions to convert the Calcutta Journal library into a circulating one, the better to improve the funds laid out in his extensive concern. The advertisement referred to was written and inserted by Mr. Buckingham, and it has continued to be inserted from time to time, as space in the advertisement sheets permitted, until the receipt of your letter under acknowledgment, when it was immediately discontinued.

The three articles relative to Oude, from the Tam-i-Tehan Nooma, a Persian newspaper, which has a wider circulation among the natives, and is better understood by them than the Calcutta Journal can possibly be. I was not conscious, that by translating from the Tam-i-Tehan Nooma for the Calcutta Journal, was infringing the spirit of the Regulations of Government regarding the press.

The letter signed "Paul Puzzle Brain," and the article headed "The Tories Gridiron," exposing the contradictory opinions maintained by the Editor of the John Bull newspaper, I was not aware would have been considered improper by the Government; and still less did I apprehend that the observations headed "Colonial Policy," or the critique contained in the Oriental Magazine of a work on India, would have called forth the disapprobation of

the Governor-general in Council. I can now only apologise for this very unintentional offence, to assure you of the sincerity of my disposition to meet the wishes and conform to the orders of the Governor-general in Council. I have only to draw your attention to the Calcutta Journal of the 5th March last, containing the second article from my pen as Editor, and being "an explanation" to the public of my views in undertaking the management of that paper, and also to my letter to your address, under date the 16th April last, previous to making the affidavit necessary towards obtaining a license under the new rule or ordinance for the Indian press. To these I can only add the proof of my punctual obedience to the orders contained in every letter which I have received from the Chief Secretary to Government.

With adavance to the second paragraph of the Chief Secretary's letter to your address, I have only now to state the names of the British subjects employed on the establishment of the Calcutta Journal: they are, Mr. Sandford Arnot, assistant editor, Mr. James Sutherland, reporter, Mr. Thomas Heckford, book-keeper, and Mr. Frederick Blacker, librarian.

I herewith return the original letter from the Chief Secretary to Government, as requested

Calcutta, 29 July 1823.

I remain, dear Sir,

Yours, &c.

(signed) J^{no} F^r Sandys.

Ordered, That the Records of the General Department be searched, to ascertain whether Mr. James Sutherland, Mr. Sandford Arnot, Mr. Thomas Heckford, and Mr. Frederick Blacker, have any license or permission to reside in India, and that the Secretary report the result to Government.

The Secretary reports that the public commercial general letters, from the year 1815 to 1821 inclusive, have been searched. It appears that Mr. James Sutherland proceeded to India under free mariner's indentures, in 1816, but that no authority within the period first mentioned has been discovered for the residence in India of Mr. Arnot, Mr. Heckford, or Mr. Blacker.

No. 4.—To Messrs. John Francis Sandys, John Palmer, George Ballard, and Peter Stone de Rozario.

Gentlemen,

You were apprized, by my official letters of the 18th of July and 3d September last, of the sentiments entertained by the Governor-general in Council, in regard to the repeated violation on the part of the conductors of the Calcutta Journal of the Rules established by Government for the regulation of the periodical press.

2. The Editor of the Calcutta Journal, notwithstanding those communications, has since, by the republication in successive numbers of that newspaper of numerous extracts from a pamphlet published in England, revived the discussion of topics which had before been officially prohibited, and has maintained and enforced opinions and principles, which, as applicable to the state of this country, the Governor-general in Council had repeatedly discouraged and reprobated, the extracts themselves so published containing numerous passages which are in direct violation of the rules prescribed by Government, under date the 5th of April last.

3. The Right honourable the Governor-general in Council has, in consequence, this day been pleased to resolve, that the license granted by Government on the 18th of April 1823, authorizing and empowering John Francis Sandys and Peter Stone de Rozario to print and publish in Calcutta a newspaper called "The Calcutta Journal of Politics and General Literature," and a Supplement thereto, issued on Sundays, entitled and called "New Weekly Register and General Advertiser, for the Stations of the Interior, with Heads of the Latest Intelligence, published as a Supplement to the Country Edition of the Calcutta Journal," shall be revoked and recalled; and you are hereby apprized and respectively required to take notice that the said license is resumed, revoked, and recalled accordingly.

I am, Gentlemen, &c.

6 November 1823.

(signed)

W. B. Bayley,
Chief Secretary to Government.

No. 5.—To the Magistrates of Calcutta.

Gentlemen,

I AM directed to inform you, that the Right honourable the Governor-general in Council has this day been pleased to revoke and recall the license under which the Calcutta Journal is printed and published, and of which license a copy was enclosed in my letter to you of the 30th April last.

2. I am also directed to forward to you, for your information, the accompanying copy of a communication which has been this day addressed and sent to the printer, publisher, and proprietors of the Calcutta Journal, notifying the revocation and recall of the said license.

I am, &c.

6 November 1823.

(signed)

W. B. Bayley

No. 6.—NOTICE.

WITH reference to the 6th and 7th sections of the rule, ordinance and regulation, passed by the Governor-general in Council on the 14th March 1823, and registered in the Supreme Court

Court on the 4th April last, notice is hereby given, that the license granted by Government on the 18th day of April last, authorizing the printing and publishing in Calcutta of a newspaper called "The Calcutta Journal of Politics and General Literature," and of a Supplement thereto, issued on Sundays, entitled and called "New Weekly Register and General Advertiser for the Stations of the Interior, with the Heads of the Latest Intelligence, published as a Supplement to the Country Edition of the Calcutta Journal," has been this day revoked and recalled by the Right honourable the Governor-general in Council.

By order of the Right honourable the Governor-general in Council,
 Fort William, } (signed) *W. B. Bayley,*
 6 November 1823. } Chief Secretary to Government.

No. 7.—To *J. Atkinson, Esq.*, Superintendent of the Government Press.

Sir,

I AM directed by the Right honourable the Governor-general in Council to desire that you will publish the accompanying notification in the Government Gazette of Monday next.

I am, &c.
 (signed) *W. B. Bayley,*
 6 November 1823. Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 23d December 1823.

No. 3.—To *J. Palmer and G. Ballard, Esqrs.*

Gentlemen,

AFTER the official communication made to you in my letter of 18th July last, and the recent assurances on the part of the conductors of the Calcutta Journal, conveyed in Mr. Sandys' letter to your address of 29th of that month, the Right honourable the Governor-general in Council has noticed with surprise the following passages contained in the Calcutta Journal of the 30th ultimo, page 833:—

"Our readers cannot but recollect the subject of the paper for which Mr. Buckingham was removed from India. The mention of this event is essential to our present argument; and we hope we may speak of it as a matter of history without offence, as we shall express our opinion on it, either one way or another. If it were not absolutely necessary, we should not even allude to it; but in doing so, we shall not for a moment forget the respect due to the established Laws and Government of the country. This article in question related to the appointment of Dr. Bryce as clerk to the Stationery Committee; and the part of it which is understood to have been so offensive to the Government as to determine Mr. Buckingham's transmission, was an allusion to the report of Dr. Bryce being the author of those letters placed in connexion with his appointment to his secular office. Thus it appears Dr. Bryce's reputed authorship and pluralities were the cause of Mr. Buckingham's removal, and of the new laws which are in consequence established for the Press. But for him, this society might have continued in the enjoyment of all its former privileges, nor have been deprived of one of its members. When those who watch with anxious expectation the progress of improvement in this country, and the spread of that Gospel which Dr. Bryce is commissioned to preach, consider the effects of these measures, it will be for them to award him the praise or censure which they think he has deserved."

2. The renewed discussion, in the Calcutta Journal, of the question of Mr. Buckingham's removal from India, after the correspondence has so recently passed, is in itself disrespectful to the Government, and a violation of the rules prescribed for the guidance of the Editors, and the offence is greatly aggravated by the mode of treating the subject, and by the manner in which the motives of the Government in removing Mr. Buckingham from India are grossly and wilfully persisted.

3. The passages in question marked by a double line, which clearly impugn the motives of Government in removing Mr. Buckingham from India, would warrant the immediate recall of the license under which the Calcutta Journal is published; but notwithstanding the just cause of displeasure afforded on this occasion, the Governor-general in Council is still unwilling, from considerations connected with the interests of those who share in the property, to have recourse to so extreme a measure while it can be avoided.

4. His Lordship in Council cannot, however, pass over the present insult offered to Government with the mere expression of his displeasure, and he has resolved to adopt the following course:—

5. The article containing the offensive passages above quoted is professedly an Editorial article, for which Mr. Sandys and Mr. Arnot, the avowed conductors of the Paper, are clearly and personally responsible.

6. Mr. Sandys cannot be subjected to any direct mark of the displeasure of Government suitable to the occasion, and to the nature of the offence, which would not equally injure the interests of the sharers in the property; but Mr. Sandford Arnot is a native of Great Britain residing in India, without any license from the Honourable the Court of Directors, or other legal authority. The Governor-general in Council has accordingly resolved that Mr. Arnot be sent to England, and that immediate orders be issued to give effect to the foregoing resolution.

7. The Governor-general in Council trusts that this measure will be sufficient to prevent any further violation by the conductors of the Calcutta Journal, of the respect due to Government, and of the rules prescribed for the regulation of the periodical Press, and will render it unnecessary to have recourse to the ultimate measure of withdrawing the license under which the Calcutta Journal is now published.

General Department,
23d September 1823.]

I have, &c.
(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 4.—To the Magistrates of Calcutta.

Gentlemen,

I AM directed to transmit to you the accompanying copy of a letter which has been this day addressed to Mr. J. Palmer and to Mr. G. Ballard, apprizing those gentlemen of the resolution adopted by Government for removing Mr. Sandford Arnot from India, and for sending him to the United Kingdom.

2. I am now directed by the Right honourable the Governor-general in Council to desire that you will call Mr. Sandford Arnot before you, and make him acquainted with the resolution in question.

3. If Mr. Arnot should voluntarily engage to proceed to England, and to embark on board a ship for that purpose within one month from the present date, and shall enter into such security as may appear to you to be sufficient and satisfactory for the fulfilment of such engagement, the Governor-general in Council will not subject him to the privations and inconvenience which would necessarily follow the enforcement of the process authorized in the 104th sec. of 53d Geo. III., cap. 155, for arresting and sending to England persons found in the East Indies without license or lawful authority for that purpose. If Mr. Arnot should fail to enter into such engagement and to give the required security, the several warrants will be prepared and sent to you without delay.

4. You will lose no time in reporting to Government the result of your communication to Mr. Arnot on the subject of these instructions.

Genl Department,
3d September 1823.]

I am, &c.
(signed) *W. B. Bayley,*
Chief Secy to Govt.

No. 5.—Messrs. *J. Palmer* and *G. Ballard* to *W. B. Bayley, Esq.,*
Chief Secretary to Government.

Sir,

WE have the honour to acknowledge the receipt of your letter of the 5th instant, informing us that there had appeared in the Calcutta Journal some passages deemed disrespectful to Government, and that it had been determined, in consequence, to send a Mr. Arnot, employed on the establishment, to England.

We shall immediately send your communication to the editor of the paper in question for his information and guidance, and

Calcutta, 5th September 1823.

We are, Sir, &c.
(signed) *J. Palmer,*
G. Ballard.

No. 6.—Mr. *Sandford Arnot* to the Honourable *W. B. Bayley,*
Chief Secretary to Government.

Sir,

BEING yesterday informed by the magistrates of Calcutta that I have had the misfortune to incur the displeasure of Government by a paragraph that appeared in the Calcutta Journal of Saturday last, in consequence of which the Governor-general in Council has been pleased to order my removal to the United Kingdom, I beg leave through you to make the following representation to his Excellency in Council:—

As my being concerned with the periodical press is the sole cause of Government withdrawing from me its protection, I indulge a hope that my breaking off all connexion with the Calcutta Journal, or any other newspaper, will be calculated to restore me to the indulgence of Government.

Upon this supposition, I take the liberty of tendering my solemn promise to cease to have any connexion, directly or indirectly, with any publication within the territories of the Honourable Company, and of soliciting your kind interference in making a favourable representation of my case to Government, with a view to obtain permission on these terms for my future residence in India.

I beg you will excuse the liberty I have taken in thus addressing you, and I have the honour to remain,

Calcutta, 5th September 1823.

Sir, &c.,
(signed) *Sandford Arnot.*

No. 7.—To Mr. *Sandford Arnot.*

Sir,

HAVING submitted to the Right honourable the Governor-general in Council your letter of this day's date, I have been directed to acquaint you that His Lordship in Council does

does not think proper to comply with your application to authorize any modification of the resolution passed by Government, and communicated to the magistrates of Calcutta on the 3d instant.

General Department, }
5th September 1823. }

I am, &c.,
(signed) *W. B. Bayley*,
Chief Secretary to Govt.

No. 8.—To Magistrates of Calcutta.

Gentlemen,

IN continuation of my letter to your address of the 3d instant, I am directed by the Right honourable the Governor-general in Council to transmit to you for your information the accompanying copy of a letter this day received from Mr. Sandford Arnot, together with a copy of the reply sent to him by order of Government.

General Department, }
5 Sept. 1823. }

I have, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

No. 9.—Mr. *Sandford Arnot* to the Honourable *W. B. Bayley*,
Chief Secretary to Government.

Sir,

THE magistrates of police not considering themselves warranted in giving me authenticated copies of the communications relative to me which you addressed to them on the 3d instant by command of Government, I have the honour to request that you will be pleased to direct that I may be furnished with them from your office.

Calcutta, 5 Sept. 1823.

I have, &c.
(signed) *S. Arnot*.

No. 10.—To the Honourable *W. B. Bayley*, Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date in reply to the representation made through you to the Right honourable the Governor-general in Council, and regret to find that I have failed to obtain the indulgence which I solicited; I therefore feel myself necessitated again to request that you will kindly direct the attention of his Lordship in Council to the circumstances of my case, in the hope that the following statement of them may appear to deserve the favourable consideration of Government.

On my arrival in Calcutta in July 1820, I found all the accounts I had previously received in my native country of the liberal and indulgent spirit of the Government of Bengal towards European residents completely confirmed, and that not only were natives of the United Kingdom permitted freely to settle here without any special license, from the Court of Directors or other authority, while they conducted themselves agreeably to the established law of the country, but also that Government encouraged their residence by giving many of them employment in various public situations of trust and emolument. Finding that there were many hundreds of individuals in different parts of the country, and in every situation of life residing here upon that footing, and securely engaging in extensive speculations without any apprehension of the interference of Government, I gave up thoughts of returning to the United Kingdom, and rested all my hopes and prospects in life upon this country, as by endeavouring to qualify myself to be useful in society, I expected in the course of years to be able to maintain myself honourably and usefully, like innumerable others similarly circumstanced.

During a period of three years and upwards which I have spent here with these views, while it was my fortune to be engaged in the management of several newspapers, I have made myself acquainted with the country and the character and language of its inhabitants, contracted friendships, which could not fail ultimately to promote my advancement in the world, and relying on these favourable prospects, I have ventured to enlarge my speculations, and engage in pecuniary transactions, the success of which entirely depends on my continued residence in this country.

My removal now, therefore, will suddenly destroy all my prospects, render useless the knowledge and experience of this part of the world, acquired during the last three years, and throw me back upon a country where I cannot profit by any of these favourable circumstances which are now available to me in India, and where, after an absence of four or five years, I can expect to find few of those advantages I possessed at an earlier period of my life.

If soon after my arrival in India it had been intimated to me by the Government that without a license from the Court of Directors my residence in the country could not be permitted, I might then have complied with such a notice with little loss; whereas at present it not only involves the immediate ruin of my pecuniary affairs, but takes away from me all the means of future success on which I relied, which will very probably render it for ever after difficult for me to procure even the common comforts of existence, and condemn me to live and to end my days in poverty and destitution.

As a young beginner of the world, I necessarily look forward with dread to such a prospect of approaching ruin, and as my fate depends on the pleasure of the Right honourable the Governor-general, I feel assured that the hardship of my case will appeal strongly

to his Lordship's feelings as a man and as a father of a family, expanded as these must be in one who has lately undertaken the high and important trust of diffusing the paternal blessings of British government among the many millions over whom he has been called to rule.

With respect to the paragraph in the Calcutta Journal of the 30th ultimo, which I am told has excited the displeasure of the Government, I beg to disclaim, agreeably to what is therein stated, the most distant idea of disrespect, and to express my regret that in the article quoted, allusion was made to the proceedings of Government under the mistaken notions that his Lordship did not intend that the restrictions on the press should in future be strictly enforced, as I observed that during his Lordship's administration part of the press had made remarks on the conduct of the Judges of the Supreme Court, although such liberty was prohibited in the Rule and Ordinance lately passed by Government.

Persuaded that under such circumstances the Right honourable the Governor-general in Council will not enforce the order for my removal while there remains any other satisfactory expedient, not involving so severe a punishment, I take upon me to repeat my solemn promise to relinquish the line of life I have hitherto followed in India, and in which I regret to find I have unintentionally given offence to Government, and in the hope that on an indulgent review of the case, his Lordship in Council will be pleased to permit my residence in Bengal on this condition, I hereby engage to bind myself to conform thereto under such penalty as Government may deem necessary, and to produce competent and respectable sureties, who will become bound on my behalf in such sum as may seem necessary for my due fulfilment of the obligation.

I have, &c.

Calcutta, 6 Sept. 1823.

(signed) *Sandford Arnot.*

No. 11.—To the Honourable *W. B. Bayley*, Chief Secretary to Government.

Sir,

REFERRING to my letter of the 5th instant, which I had the honour to address to you, requesting to be favoured with official copies of the papers containing the Orders of the Right honourable the Governor-general in Council respecting my removal from this country, I beg leave to represent to Government the peculiar hardship under which I labour in not being furnished with authenticated documents showing the nature of the charges against me, in consequence of which an order has been passed for my removal to the United Kingdom. The magistrates of Calcutta still declining to furnish me with authenticated copies of such documents, unless specially authorized by Government to do so, I am therefore placed under the necessity of requesting that his Lordship in Council will be pleased to order the same.

As a very erroneous report of the proceedings relative to me, in the police on Saturday last, has appeared in one of the newspapers (the *Bengal Hurkaru*) of this morning, calculated to operate greatly to my prejudice with the Government, I beg to be permitted to state that I have complained of this injurious misrepresentation to one of the magistrates who happened to be on the bench, and have his authority for stating that no observation was made by me that could possibly be construed into any thing disrespectful to the Government.

Calcutta, }
8 September 1823. }

I have, &c.
(signed) *S. Arnot.*

No. 12.—To *W. B. Bayley*, Esq., Chief Secretary to Government.

Sir,

I beg leave to report for the information of the Right honourable the Governor-general in Council, that Mr. Arnot has stated his inability to procure the requisite sureties, but as he does not appear to wish to evade the orders of Government, and has stated that he has submitted a memorial offering sureties for his future good conduct, to which he hopes a favourable consideration of Government, and having given the most solemn assurance to appear at this office on Monday afternoon next, I have, with the concurrence of my brother magistrate Mr. Alsop, accepted such assurance, with the hope that by that time the final orders of Government may be received on the subject.

Calcutta Police Office, }
6 September 1823. }

I have, &c.
(signed) *Chas Paton,*
Magistrate.

No. 13.—To the Magistrates of Calcutta.

Gentlemen,

I AM directed by the Right honourable the Governor-general in Council to acknowledge the receipt of a letter from Mr. C. Paton, dated 6th instant, reporting that Mr. Arnot had failed to furnish security for his return to England, and for his embarkation on board a ship within the period specified in the 3d paragraph of my letter to you of the 3d instant; his Lordship in Council has also had under his consideration two letters addressed to me by Mr. Arnot, one dated 6th instant, requesting that, under the circumstances therein detailed, he

he may be permitted to remain in India; the other dated the 8th instant, repeating his application to be furnished with an authenticated copy of my letter to you of the 3d instant and of its enclosure.

2. There does not appear to Government to be any objection to a compliance with the latter application, and you are accordingly desired to furnish him with authenticated copies of the documents in question.

3. You will at the same time distinctly apprise Mr. Arnot, that the Governor-general in Council will not permit him to reside in India; that the circumstances represented in his letter of the 6th instant, furnish no grounds whatever for granting the indulgence therein solicited, and that the resolution passed by Government on the 3d instant will be immediately carried into effect, if he shall not have fulfilled the conditions therein specified.

General Department, }
10 Sept. 1823. }

I am, &c.
(signed) *W. B. Bayley,*
Chief Secretary to Government.

VII.

COPY of all CORRESPONDENCE between the *Bengal* Government and any other Person, with respect to the Grant of a LICENSE to a New Paper, after the suppression of the *Calcutta Journal*.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 4th December 1823.

The following Correspondence received from the Office of the Chief Secretary to Government, is ordered to be here recorded.

No. 1.—Mr. *W. P. Muston* to *W. B. Bayley*, Esq. Chief Secretary to Government,
&c. &c. &c.

Sir,

By the enclosed it will appear, that I have engaged to be the Editor of a paper belonging to certain Proprietors, the principal of whom are Messrs. Palmer and Ballard; and I beg you will assure the Right hon. the Governor-general in Council, that both from principle and interest, independently of my public and official situation (which would alone render it my duty), that I shall pay the most scrupulous attention to the letter and spirit of the Press regulations, and therefore hope to obtain that License which it is the object of this letter to solicit.

Calcutta, 28th Nov. 1823.

I have, &c.
(signed) *W. P. Muston.*

No. 2.

JOHN Palmer, of Calcutta, merchant and agent; George Ballard, also of Calcutta, merchant and agent; William Pitt Muston, of Calcutta, a surgeon in the service of the United Company of Merchants of England trading to the East Indies, on their Bengal Establishment, and Peter Storie de Rozario, of Calcutta, printer, jointly and severally make oath and say, That William Pitt Muston, and Peter Storie de Rozario, two of these deponents, are intended to be the printers and publishers of a certain Newspaper to be called "The Calcutta Journal," and that no person or persons is or are intended to be employed or engaged in the printing and publishing of the said newspaper, save and except the said William Pitt Muston and Peter Storie de Rozario; and these deponents further say, that the number of the proprietors of the said newspaper exceeds four, and that John Palmer and George Ballard, two of these deponents, are proprietors of the said newspaper, and are resident within the Presidency of Fort William; and that there are or is no proprietors or proprietor of the said newspaper resident within the Presidency of Fort William, or places subordinate thereto, who hold or holds a larger share or shares in the said newspaper than these deponents, John Palmer and George Ballard; and these deponents lastly say, that the name of the said newspaper is intended to be "The Calcutta Journal;" and that the said newspaper is intended to be printed and published in a certain house, No. 4, Bankshall-street, in Calcutta.

(signed) *J. Palmer.*
G. Ballard.
Wm Pitt Muston.

Sworn this 27th day of November 1823, at the Calcutta Police Office, by John Palmer and George Ballard and William Pitt Muston, three of the deponents, before me,

(signed) *J. W. Hogg,*
Justice of the Peace.

Sworn this 28th day of November 1823, at the Calcutta Police Office, by Peter Storie de Rozario, one of the deponents, before me,

(signed) *J. B. Birch,*
Justice of the Peace.
(signed) *Peter Storie de Rozario.*

APPENDIX TO REPORT FROM

No. 3.—To *George Proctor, Esq.* Secretary to the Medical Board.

Sir,

I AM directed by the Right honourable the Governor-general in Council, to request that you will lay before the Medical Board the accompanying copy of a letter which has been received from Dr. Muston.

2. The Governor-general in Council has judged it proper to refrain from complying with the application contained in that letter, until he shall be apprized of the Medical Board, whether, in their judgment, the business of the editing the Calcutta Journal will interfere with the due discharge, by Dr. Muston, of the medical duties devolving upon him in the official situation to which he has been recently appointed by Government. I am directed to express the wish of his Lordship in Council, to be furnished with the Board's sentiments on this point as soon as may be convenient. Dr. Muston will, of course, furnish to the Board any information or explanation which they may require, in order to enable them to report their sentiments to Government on satisfactory grounds.

I have the honour to be, &c. &c.

28th November 1823.

(signed) *W. B. Bayley,*
Chief Secretary to the Government.No. 4.—To *Dr. W. P. Muston.*

Sir,

IN reply to your letter of this day's date, I am directed by the Right honourable the Governor-general in Council to transmit to you, for your information and guidance, the accompanying copy of a letter which has been addressed to the Secretary to the Medical Board.

28th November 1823.

I have, &c.
(signed) *W. B. Bayley,*
Chief Secretary to the Government.

No. 4. (A.)—REVIVAL OF THE JOURNAL.

Notice to Subscribers.

THE subscribers of the Calcutta Journal and the public are respectfully informed, that a Daily Paper will be again issued from the Columbian Press, on Monday, the 1st of December, under the original designation.

On this occasion it is merely necessary to state that the management of the paper has been transferred into the hands of a gentleman calculated in every respect to support its character, and, under such circumstances, the formality of a prospectus is deemed superfluous. Those to whom the late paper was acceptable will find, it is hoped, in that now offered, a substitute not less entitled to their patronage.

But it must not be concealed that the late enactments being, from their nature, somewhat indefinite, have by their influence thrown a melancholy check on the spirit of inquiry and discussion, which seemed to promise much ultimate benefit to the country and its government. It is not asserted that the law has intended to prohibit all inquiry and discussion, its avowed object was merely to limit it; but its effect was to intimidate many from writing at all, and to cripple the effusions of those who still ventured to indulge in the expression of sentiments at all at variance with the existing state of things.

The immediate object, however, of alluding to the measure above noticed is to account for a determination to reduce the size of the paper from four to three sheets, and proportionally in the price from sixteen to twelve rupees per mensem; an edition on China paper for the dawk will be printed at ten rupees per month, and engravings will be occasionally issued as subjects of interest may offer, without any extra charge; the rate of subscription being determinately fixed at the sums already stated, of twelve rupees per month for the edition on English, and at ten rupees for that on China paper.

The proprietors of the Hurkaru having been requested on the suppression of the Journal to send that paper to its subscribers, that they might not be disappointed of a daily supply of intelligence, have now been desired to discontinue sending it from this date to any of those to whom it was sent, in consequence of the above-mentioned request. The proprietors of the Calcutta Journal will pay to the Hurkaru concern the value of all the papers thus supplied to their subscribers during the suspension of the Journal, at the ordinary rate at which the Hurkaru newspaper is sold.

The proprietors of the Journal will consequently have to charge to their several subscribers the value of the paper thus temporarily substituted for their own; such of the subscribers, however, as have forbidden that paper to be sent to them, being of course exempted from any charge for the same. The subscribers to the Journal will therefore not be troubled with any bills whatever from the Hurkaru concern, owing to the arrangements above alluded to.

—Printed by *P. S. De Rozario*, at the Columbian Press, No. 4, Bankshall-street.

No. 5.—To *Mr. S. De Rozario*, No. 4, Bankshall-street.

Sir,

HAVING just seen a paper purporting to be printed by you at the Columbian Press, headed "Revival of the Calcutta Journal," in which the subscribers to the Calcutta Journal, and the public in general, are apprized that a daily paper will be again issued from the Columbian Press, on Monday the 1st of December, under the original designation, I think

it necessary to state to you for your notice, and that of others concerned, that no license has been granted by Government for the publication of such a periodical paper, and to warn you of the illegality of any such proceeding.

Sunday Evening,
30th November 1823. }

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to the Government.

No. 6.—To *W. B. Bayley, Esq.*, Chief Secretary to Government, &c. &c. &c.

Sir,

I AM directed by the Medical Board to acknowledge the receipt of your letter of the 28th ultimo. and in reply, to report to you for the information of the Right honourable the Governor-general in Council, that should his Lordship in Council be pleased to comply with Mr. Muston's application, the Board do not apprehend that the business of editing a newspaper would at all interfere with the due discharge of the medical duties devolving upon him in the official situation to which he has been recently appointed by Government.

Fort William, Medical Board Office, }
1st December 1823. }

I have, &c.
(signed) *G. Proctor*,
Secretary.

No. 7.—To *W. P. Muston, Esq.*

Sir,

You have been already apprized that the Right honourable the Governor-general in Council had judged it proper to refrain from complying with the application contained in your letter of the 28th ultimo, until he should be informed by the Medical Board whether, in their judgment, the business of editing a newspaper would interfere with the due discharge by you of the medical duties devolving upon you in the official situation to which you have been recently appointed by Government.

2. A reply to that reference, dated the 1st instant, has been since received from the Medical Board, in which the Board observe, that the business of editing a newspaper would not, in their opinion, interfere with the due discharge of your medical duties.

3. With the information before him, and under the assurances contained in your letter of the 28th ultimo, the Governor-general in Council would have been disposed to comply with your application, and to have granted a license for the publication of a daily paper, to be called "The Calcutta Journal," if circumstances had not, in the interim, come to his knowledge, which have entirely altered the view originally taken by Government of the propriety of that measure.

4. On Sunday last, the 30th November, a paper, printed by Mr. De Rozario, at the Columbian Press, entitled, "The Revival of the Journal," "Notice to Subscribers" was circulated in Calcutta and its vicinity, apprizing the public, and the subscribers to the Calcutta Journal, that a daily paper would again be issued from the Columbian Press, on Monday the 1st of December, under the original designation.

5. You are aware, not only that no license had been granted by Government for the publication of such a paper, but that the reply of the Medical Board, on which the question, whether the license should or should not be granted, mainly depended, had not then been communicated to Government.

6. Under these circumstances, the notice to the public, that the Calcutta Journal was to be published on the ensuing day, was highly objectionable; and the execution of the intention therein notified would have subjected the parties concerned to the penalties attached to persons publishing periodical papers without license.

7. It is not however on this ground merely that the Governor-general in Council has deemed it proper to refuse the license applied for in your letter of the 28th ultimo, this resolution is founded chiefly on the tenor of the notice in question, and particularly on the following extract from it:

"But it must not be concealed, that the late enactments, being from their nature probably somewhat indefinite, have, by their influence, thrown a melancholy check on the spirit of inquiry and discussion, which seemed to promise much ultimate benefit to the country and its government. It is not asserted that the law was intended to prohibit all inquiry and discussion, its avowed object was merely to limit it; but its effects was to intimidate many from writing at all, and to cripple the effusions of those who still ventured to indulge in the expression of sentiments at all at variance with the existing state of things."

8. It is scarcely necessary to observe, that the publication of these observations, by which the measures adopted by Government in regard to the press are again called in question, and their injurious effect on the country and its Government is again asserted, constitutes a positive repetition of the offence which induced the Government to revoke the former license of the Calcutta Journal.

9. The manifestation of such a disposition on the part of those connected with the Calcutta Journal, at the moment when the indulgence of Government was solicited for its re-establishment, when the parties concerned anticipated the acquiescence of Government in their request, and immediately after the receipt of your letter, in which the Government was officially assured that the most scrupulous attention would in future be paid to the letter and spirit of the press regulations, renders it impossible for Government to form any

other expectation than that the renewal of the license of the Calcutta Journal would lead to the recurrence of the same evils and the same objections as that which has so frequently called forth the disapprobation of Government.

10. His Lordship in Council is perfectly satisfied that you were ignorant of the intended publication of the notice above alluded to, and he entirely acquits you of all blame in the transaction; but in doing this he is compelled to draw the conclusion, that the interference of others would preclude you from exercising an effectual control as Editor of the paper, and would render you unable to maintain in practice those principles which you very properly avowed in your letter, and which the Governor-general in Council considers it indispensably necessary to maintain and enforce. His Lordship in Council has accordingly resolved not to grant the license applied for in your letter of the 28th ultimo.

11. In conclusion, his Lordship in Council thinks it proper to observe, that there was no foundation whatever in the intimation contained in public advertisements on Monday morning last, that the republication of the Journal was deferred in consequence of a letter from me, by which it appeared that some misconception existed as to the proposed designation of the paper.

4th December 1823.

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to the Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 23d December 1823.

No. 35.—Mr. *W. P. Muston* to *W. B. Bayley*, Esq. Chief Secretary to the Government, &c. &c. &c.

Sir,

IN consequence of the determination of Government to withhold the license (I had the honour to solicit in my letter of the 28th ultimo) on the ground stated in your communication in reply; I laid the same before the proprietors, and from the tenor of the answer, a copy of which is annexed, I beg the favour of your remembering my request, under the hope that his Lordship in Council will, in consideration of the concern expressed therein, and the full control invested in myself by the proprietors, authorize the revival of the late Calcutta Journal.

The very flattering manner in which his Lordship in Council was pleased to exonerate me from all manner of blame in the notice is deeply felt, and the more so from being conscious, that I was deserving of this gratifying testimony of his Lordship's favourable opinion.

Calcutta,
13th December 1823. }

I have, &c.
(signed) *W. P. Muston*.

To *W. P. Muston*, Esq.

Dear Sir,

I HAVE the pleasure to return the Chief Secretary's Letter, and am concerned to find by it, that the promulgation of the notice at all, and particularly with an objectionable paragraph, has occasioned so serious an interruption to our arrangement.

It is particularly unfortunate that you should suffer on this occasion, and that it should be supposed that you would undertake the management of the paper without the fullest control over its contents.

You should state that this paramount authority is the basis on which you accept the office, and you may add that a confidence in your fitness for it, as well from *judgment* as from *situation in society*, is your great recommendation.

I mean no disparagement by this avowal, and perhaps should have said *indispensable* rather than *great* recommendation. Neither Palmer or myself can look to the matter of the paper, and it was our resolve, rather than incur the risk of being again situated as unpleasantly as we lately have been, to withdraw the support we had afforded.

You are now a tenant of the premises, and I hope you may be able to continue such; if you do so, far from desiring to limit your control, we accept your services, only on the consideration that you take all and every thing upon yourself, as long as we appear connected with the paper. I beg your early reply, and am,

12th December 1823.

Dear Sir, yours truly,
(signed) *G. Ballard*.

P. S.—Palmer is absent, but I know I only speak his sentiments.

No. 36.—To *W. P. Muston*, Esq.

Sir,

I AM directed by the Right honourable the Governor-general in Council, to acknowledge the receipt of your letter of the 13th instant, and to apprise you that after a full consideration of the circumstances stated in it, and in Mr. Ballard's private communication which accompanied it, his Lordship in Council does not deem it expedient to sanction the application contained in your letter of the 28th ultimo, and in that now acknowledged.

General Department,
23d December 1823. }

I am, &c.
(signed) *W. B. Bayley*,
Chief Secretary to Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 12th February 1824.

No. 3.—Mr. W. P. Muston to W. B. Bayley, Esq. Chief Secretary to Government.

Sir,

I BEG the favour of your laying the enclosed draft of agreement, making over to me the property of the Columbian Press, for a twelvemonth, by Messrs. Alexander and Co., the agents of Mr. Buckingham, they having obtained also the sanction of the shareholders resident in Calcutta to that measure, and at the same time to solicit from the Governor-general in Council the license applied for in my letter of November 28th, 1823.

Should the Government be satisfied with this draft, it shall be immediately engrossed and executed. The intimation I received from the Governor-general respecting a new name by which the paper is to be designated, will be duly attended to, and should it meet the sense of Government, it is proposed to call it "The British Lion."

Calcutta,
29th January 1824. }

I have, &c.
(signed) W. P. Muston.

No. 4.—To Mr. W. P. Muston.

Sir,

I AM directed by the Right honourable the Governor-general in Council, to acknowledge the receipt of your letter of yesterday's date, and of its inclosure.

2. The temporary nature of the proposed arrangement, as described in those papers, does not afford any security that the control and influence of Mr. Buckingham in the management of the paper may not again be exercised at the expiration of the period of one year, to which only the engagement extends, and the Governor-general in Council does not therefore deem it expedient to comply with the application submitted by you.

3. The draft of agreement which was enclosed in your letter is herewith returned.

Council Chamber, }
30th January 1824. }

I am, &c.
(signed) W. B. Bayley,
Chief Secretary to Government.

No. 5.—Mr. W. P. Muston to Mr. Chief Secretary Bayley.

Sir,

I HAD the honour of your reply acknowledging the receipt of my letter, requesting to be favoured with a license for a Daily Paper to be designated "The British Lion," and as it appears I made a great omission in not having stated the time for which the license was solicited, may I beg the favour of your apologizing for the neglect, and requesting of his Lordship in Council to grant me a license for a period of one year only, that being the time for which the management of the concern will be *bonâ fide* under my sole control.

Calcutta, }
30th January 1824. }

I have, &c.
(signed) W. P. Muston.

No. 6.—To Mr. W. P. Muston.

Sir,

I AM directed by the Right honourable the Governor-general in Council to acknowledge the receipt of your letter of the 30th ultimo, and in reply to acquaint you that the orders of Government referred to by you were issued under the supposition that the object of your application, in as far as it related to yourself, was to obtain a license to publish a newspaper for the period of one year, and that your present communication does not call for any modification of the resolution of Government already communicated to you in my letter of the 30th ultimo.

3d February 1824.

I am, &c.
(signed) W. B. Bayley,
Chief Secretary to Government.

No. 7.—Mr. W. P. Muston to Mr. Chief Secretary Bayley.

Sir,

I BEG leave to enclose the prescribed affidavit as proprietor of a newspaper intended to be called "The Scotsman in the East," and beg the favour of your laying my request for a license to print and publish the same before his Lordship in Council.

Bankshall-street, Calcutta, }
12th February 1824. }

I have, &c.
(signed) W. P. Muston,
Presidency Surgeon.

No. 8.

WILLIAM Pitt Muston, of Bankshall-street, in Calcutta, surgeon in the Honourable Company's service, and Peter Stone De Rozario, of the same place, printer, jointly and severally make oath and say, That the said William Pitt Muston is intended to be the publisher, and the said Peter Stone De Rozario to be the printer of a certain daily newspaper, to be called "The Scotsman in the East," and that no person or persons is or are employed or engaged,

or intended to be employed or engaged, in the printing and publishing of the said newspaper, save and except the said William Pitt Muston and Peter Stone De Rozario; and these deponents further say, that these deponents, William Pitt Muston and Peter Stone De Rozario, are the proprietor and printer of the said newspaper, and that no person or persons is or are interested in the said newspaper, save and except the said William Pitt Muston and Peter Stone De Rozario; and these deponents lastly say, that the name of the said newspaper is intended to be "The Scotsman in the East," and that the said newspaper is intended to be printed and published at No. 4, Bankshall-street, Calcutta.

Sworn at the Calcutta Police
Office, the 12th day of February,
1824, before me,
P. Andrew,
Magistrate.

(signed) W. P. Muston,
Proprietor and publisher.
(signed) P. S. De Rozario,
Printer.

No. 9.—LICENSE.

WILLIAM Pitt Muston, a surgeon in the service of the Honourable Company on the Bengal Establishment, having applied to the Right honourable the Governor-general in Council for a license to print and publish in Calcutta a daily newspaper, entitled and called "The Scotsman in the East," and having delivered to the Chief Secretary to Government the requisite affidavit subscribed and sworn by him the said William Pitt Muston, and by Peter Stone De Rozario, the Governor-general in Council does hereby authorize and empower the said Peter Stone De Rozario to print, and the said William Pitt Muston to publish in Calcutta, at No. 4, Bankshall-street (being the house or place in the said affidavit specified), and not elsewhere, a newspaper to be called "The Scotsman in the East," and not otherwise, whereof the said Peter Stone De Rozario, and no other person or persons, to be the printer, and the said William Pitt Muston, and no other person or persons, is to be the publisher and proprietor.

By order of the Right honourable the Governor-general in Council this 12th day of February 1824.

(signed) W. B. Bayley,
Chief Secretary to Government.

No. 10.—To Mr. W. P. Muston.

Sir,

I AM directed by the Right honourable the Governor-general in Council to acknowledge the receipt of a letter from you of the present date, with its enclosure, and in reply to transmit to you the accompanying License, authorizing Mr. Peter Stone De Rozario to print, and you to publish, in the English language, a daily newspaper, entitled and called "The Scotsman in the East."

2. I am likewise directed to transmit to you for your information and guidance, and that of Mr. De Rozario, the accompanying copy of printed Rules passed on the 5th of April last.

I am, &c.

12th February 1824.

(signed) W. B. Bayley,
Chief Secretary to Government.

Gentlemen,

No. 11.—To the Magistrates of Calcutta.

I AM directed by the Right honourable the Governor-general in Council to transmit to you for your information, the accompanying copy of a license authorizing Mr. Peter Stone De Rozario to print, and Mr. William Pitt Muston to publish, in the English language, a daily newspaper, entitled and called "The Scotsman in the East."

I am, &c.

12th February 1824.

(signed) W. B. Bayley,
Chief Secretary to Government.

EXTRACT of a LETTER from the Governor-general in Council to the Court of Directors in the Public Department, dated 31st March 1824.

Par. 110.—Mr. W. P. Muston, one of the Presidency surgeons, and appointed under recent orders to afford medical aid to the numerous native officers in the employ of Government at the Presidency, having laid before us, in February last, an agreement making over to him the property of the Columbian Press for twelve months, by Messrs. Alexander & Co. the agents of Mr. Buckingham, who had obtained the sanction of the shareholders resident in Calcutta to that measure, and solicited a license to publish a newspaper for the period of one year: the temporary nature of the proposed arrangement not affording in our judgment any security that the control and influence of Mr. Buckingham in the management of the papers might not again be exercised at the expiration of one year, to which period only the engagement extended, we did not deem it expedient to comply with the application. Mr. Muston then submitted to us an affidavit, declaring his intention of setting up a daily newspaper, to be entitled "The Scotsman in the East," and stating himself to be the sole proprietor of it; and, under these circumstances, we were induced to grant the solicited license.

Consultations,
12 February,
No. 3 to 6.

Consultations,
12 February,
No. 7 to 11.

VIII.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 9th November 1821. :

THE following CORRESPONDENCE between the Chief Secretary to Government and the Advocate-general is ordered to be here recorded.

No. 3.—To *R. Spunkie*, Esq., Advocate-general.

Sir,

I AM directed by his Excellency the most noble the Governor-general in Council to transmit to you the Calcutta Journals of the 1st, 2d and 3d instant, and to request your attention to the undermentioned articles contained in those papers :

November 1st.—The three first paragraphs under the head of "General Summary," and the article under the title "Justification."

November 2d.—The article under the head "Grand Jury."

November 3d.—The article under the head "Public Functionaries," with the note of the editor subjoined.

2. His Lordship in Council conceives that the tenour and spirit of these publications display a deliberate design to obstruct the due course of justice ; 1st, by influencing those whose duty it may be, as petty jurymen, to try the indictment which has been found against the editor of the Calcutta Journal ; and 2dly, by rendering odious both the grand jury who found the bill, and the prosecutors by whom the indictment was preferred.

3. If the sentiments entertained by the Governor-general in Council, with regard to the object and spirit of the publications in question, should appear to you to be correct ; if the offence should be viewed by you as one of serious malignity, and capable of being legally established, his Lordship in Council would deem it essentially requisite that early measures should be adopted for commencing a criminal prosecution, by information or otherwise, against the editor of the Calcutta Journal ; and he authorizes and desires you to take such steps for that purpose as you may judge most expedient, provided your opinion on the question should correspond with that above stated.

I have, &c.

Council Chamber, }
5 November 1821. }

(signed) *W. B. Bayley*,
Chief Secretary.

EXTRACTS from the Calcutta Journal of the 1st, 2d and 3d November.

No. 4.—Extract from the Calcutta Journal, dated 1st November 1821.

General Summary.

THERE are few among our readers, we should imagine, who have experienced for themselves, or who can well imagine the difficulty that we feel in performing well and energetically the mental duty that claims our attention on each succeeding day, and that cannot be omitted, either from sickness care, or any other cause, without adding still further risk to a concern already sufficiently precarious and exposed to assaults on every side. The interest taken by the community generally in the pending case of prosecution for libel, the issue of which cannot fail, we should hope, to be beneficial to the public interests, occasioned us so many interruptions, and such incessant occupation throughout the whole of yesterday, that the sun had set ere a line had been prepared for the paper of to-day, and we have now only time to offer this apology for the haste with which our remarks are necessarily penned.

For our cause, we are willing to confide it to the breasts of our countrymen, the twelve common tradesmen of Calcutta, to suppose whom capable of judging an affair of such importance to the State, as an allusion even to the conduct of any of its public functionaries, was treated as a flagrant and enormous libel.* The British laws have constituted honest juries as the only fit and proper guardians of the State, as far as libel is concerned, and we now see that the united judgment of "twelve common tradesmen of Calcutta," but late so foolishly derided, is held to be more just and more legal than *any man's* discretion. To this are we come at last, and having arrived thus far, we trust that no consideration will again induce a recurrence to the arbitrary power of summary punishment, setting at nought that which was the glory of our ancestors, and ought to be for ever cherished by their descendants, wherever their lot may be cast. To these "twelve common tradesmen of Calcutta" we willingly commit our cause ; it will be for them to decide whether an association, that has failed

* See the letter of Mr. A. in the John Bull of Sept. 28.

failed to write us down in the fair and open field of argument and discussion, shall now succeed in effecting the ruin of a press, which honest men, who have nothing to fear, should cherish and support for the sake of public good, and which none but those whose public conduct will not bear scrutiny can have any just or reasonable cause to dread.

We may be able, and we are always ready, to cope with our antagonists single-handed, be they who they may; nay, we have shown that we would not shrink from the whole phalanx that were arranged against us, when we had to combat six public prints at a time, and have since had to stem the still more powerful hostility of men of the greatest wealth and influence in the settlement. But we have had the public voice in our favour, and the public support, manifested by the most unequivocal of all tokens to support us. We have had moreover, that treble armour which, as our noblest bard expresses it, "clothes every man who hath his quarrel just, and leaves him naked, though locked up in steel, who has not this inward protection." Let those who have to sit in judgment on our motives and our deeds banish from their minds all considerations but those of that pure and upright conduct, which alone can acquit them at the bar of public opinion, before which they and all men stand; and knowing as we do those motives to have been pure, and those deeds intended for the benefit of the community at large, we have sufficient confidence in the integrity of any "twelve common tradesmen of Calcutta" that may be summoned as our judges, to believe they will render us impartial justice, which is all that we require at their hands.

Justification.

"Let the galled jade wince, our withers are unwrung."

To the Editor of the Calcutta Journal.

Sir,

A WELL-MEANING, if not a very wise man, who signs himself *C.* in the *Hurkaru* of this morning, talks a good deal about the necessity and duty to their superiors, which made it absolutely incumbent in the combined secretaries and public officers to justify themselves to the world, and in a court of justice, from the direct and personal attacks of Sam Sobersides.

Now without in the least doubting the correctness of this description of the feelings which actuate these reluctant "functionaries," believing implicitly in the plea set up by their advocate *C.* (who should be an Irishman, by his mode of "backing his friends,") that they are compelled to justify their tender reputations against the aspersions of every puny satirist; nay, even giving credit to the story of the great unwillingness with which so many powerful and respectable English gentlemen have consented to join in hunting down an obnoxious individual, and a disagreeable press: I say, admitting all this, still it is very strange that they should have chosen to come before the public and the court of justice precisely in that form, and in that only form, which bars all justification whatever. Instead of suing for damages, which would enable the defendant to plead the general issue, and to justify also, they attack criminally, under shelter of a fictitious breach of the peace, by which the defendant is precluded from pleading the truth or justice of the alleged libel in justification, or even mitigation. It is to prosecutions of this sort that Lord Mansfield applied his memorable saying, "The greater the truth, the greater the libel," a dictum which still passes for oracular with the generality of mankind.

Yours, &c.

October 31, 1821.

Brevior.

Extract from the Calcutta Journal, dated November 2, 1821.

Grand Jury.

"The better part of valour is discretion."

To the Editor of the Calcutta Journal.

Sir,

It is rumoured, that after a stormy debate, which lasted till a late hour yesterday afternoon, a small majority of the grand jury were prevailed on, not without great difficulty and strenuous efforts, to return a true bill in the matter of the United Secretaries and others *versus* Buckingham.

The difficulty experienced in this preliminary stage it is to be hoped is only the precursor to the greater difficulties that await the holy league in the further progress of their operations.

Pray, Sir, who composed the grand jury? There was a list published in the newspapers at the commencement of the sessions, but that is probably now forgotten, which it ought not to be so easily.

Is the prosecution levelled at you, the Editor, or at the well-known author, who is in everybody's mouth? If the former, why do the Club shy the nobler battle, and pour out the phials of their wrath on you? Do they think it safer and more discreet? Are you to be tried by a common jury, or by one of that more select sect described by Jeremy Bentham, with his usual pith? One of your correspondents signs himself "*Brevis*," and another "*Brevior*," so I shall call myself,

November 1, 1821.

Brevissimus.

Extract from the Calcutta Journal, dated 3d November 1821.

Public Functionaries.

To the Editor of the Calcutta Journal.

Sir,

It appearing that some of the public functionaries have combined to prosecute you for an alleged libel, you are requested to name those functionaries and specify their functions, in order that the disgrace or credit of that measure may rest exclusively with those to whom it properly belongs.

I am, &c.

Calcutta, Nov. 2, 1821.

(signed) *A Public Functionary, Non-prosequens.*

Note of the Editor.

WE have not yet been furnished with a copy of the indictment, the dimensions of which formidable instrument we have heard are 13 feet by 2, so that it cannot be copied in less than three or four days, making up no doubt in the *quantity* of its 10 counts what it may want in quality. When the fatal roll reaches us, we shall take an early opportunity of naming the prosecutors mentioned in it, but at present we really do not know ourselves what are the exact number, or the precise names, of these gentlemen. The passages said to be selected by them as libellous, do not specify any individuals, nor indicate any class, not even the secretaries to Government, the expression being simply, "Secretaries and Public Officers to Government," including every servant of the King and Company in India, down even to the unfortunate editor of the John Bull in the East, who, we believe, though erst a radical, is *now* a secretary and public officer to Government; but whether he has the honour to be one of the select *prosequentes* we have not yet discovered. As far as we can learn, however, it is only the immediate secretaries to Government who have formed the association to prosecute us as the publisher of this broad assertion regarding the influence of secretaries and public officers generally. If the assertion in question be proved to be true, and the maxim of Lord Mansfield be acted on, that the greater the truth the greater the libel, conviction will most probably follow, and the public will regret, no doubt, that our correspondent's position could not more satisfactorily be disproved. If it is shown to be false, then by the same maxim there can be nothing libellous in it whatever; unless these immaculate gentlemen, and their learned advocates can make it appear that they are at once both innocent and guilty, and that what Sam Sobersides hath said is both true and false at the same time, a dilemma, to escape from which will require no ordinary powers of reasoning.

(True Extracts.)

(signed) *W. B. Bayley,*
Chief Secretary to Government.

No. 5.—Advocate-General to *W. B. Bayley, Esq.,* Chief Secretary to Government.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of yesterday, with the Calcutta Journal of the 1st, 2d and 3d, and I am of opinion that the matter contained in the passages referred to is in the highest degree illegal and mischievous, and that this is a proper case for an application to the Supreme Court for a criminal information, that such attempts to overawe and disturb the administration of justice in all ordinary channels may be punished and restrained.

2. I cannot entertain any doubt that the court will grant the application, and that a jury would convict the offender, as I conceive no lawyer could doubt the illegality of the publications in question, or any honest man doubt their criminal intention, and their mischievous tendency.

3. Upon this occasion, I beg leave to suggest the expediency of retaining the services of Mr. Smout, both on account of the indisposition and absence of the Company's attorney, and his having been employed in the case out of which this originates, which will render his assistance in this matter very desirable. For the same reason, on account of the importance of some questions that may arise, should a prosecution by information be adopted, I beg leave also to suggest the expediency of retaining Mr. Compton as counsel for the prosecution.

I have, &c.

(signed) *R. Spankie,*
Advocate-General.

Fort William, 6 November 1821.

No. 6.—To R. Spence, Esq., Advocate-General.

Sir,

I AM directed to acknowledge the receipt of your letter of this date, and, in reply, to communicate to you the desire of his Excellency the most noble the Governor-General in Council, that you will proceed to apply to the Supreme Court for a criminal information against the editor of the Calcutta Journal, for publishing the passages referred to in your letter.

2. His Lordship in Council entirely approves your suggestion for retaining, on the part of the Government, the services of Mr. Smout and Mr. Compton, and accordingly requests you to make the necessary communication to those gentlemen.

Council Chamber, 6 Nov. 1821.

(signed)

W. B. Bayley,

Chief Secretary to the Government.

IX.

TRANSCRIPT of a LETTER from Mr. *Buckingham*, with VARIATIONS, &c. :*Memorandum.*

The print in Black Ink is a correct transcript of the Letter from Mr. *Buckingham*, as recorded on the proceedings of the Bengal Government; and the notes, alterations, erasures and additions, in *Red Ink* denote the variations from it, exhibited in the copy printed by Mr. *Buckingham*, in pages xv to xxi of the Appendix to Vol. 1 of the *Oriental Herald*.

Examiner's Office,
23 May 1826. }

EXTRACT BENGAL PUBLIC CONSULTATIONS, 4th February 1820.

No. 2.—Mr. *J. S. Buckingham*, Office of the *Calcutta Journal*, 16th January 1820.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 12th instant, communicating to me the displeasure of His Excellency the Most Noble the Governor-general in Council at the tenor of certain observations contained in the *Calcutta Journal* of the preceding day, under the head of a Notice to Subscribers under the Madras Presidency.

(Note A).—This Letter appears to be correctly dated the 16th January (and not the 15th as stated by Mr. *Buckingham*), because the Chief Secretary to Government, in his reply to it on the 27th January, states that it was dated on the 16th, though not received until the 18th, as will appear on reference to page xxv of the Appendix to Vol. 1 of the *Oriental Herald*.

I am commanded me to transmit to your office, within the period of three days, the receipt of the order, a distinct acknowledgment of the impropriety of my conduct, and a full and sufficient apology to the Government of Fort St George for the injurious insinuations contained in that Notice, in order to its being subsequently published in the *Calcutta Journal*.

2. In reply to this communication, I have first to express ^{to your} my sincere and deep regret that any act of mine should appear to his Excellency ^{to be} highly improper as to call for immediate notice from this Government, and still more so, that such an act should have arisen from the exercise of my labours as director of a public press, inasmuch as I can safely and solemnly aver, that no man can feel more grateful to his Excellency for the indulgent liberality which he has always shown to the exercise of those privileges given to us by his removal of the restrictions which formerly bound it than myself, and that no man would feel more sorrow at any undue infringement ^{on} of that liberality, or any real abuse of the power thus vested in the editors of the public journals than I should do.

3. I have too firm a reliance on his Lordship's impartiality, and too great a confidence in his justice, not to hope, however, that he will condescend to hear what I have to offer in ^{if my conduct} explanation, however tedious the detail into which it may lead me; and I shall await the issue of his Excellency's decision ^{thereon} with that obedience to his authority which all men ought cheerfully to pay to a power so equitably exercised.

4. When, on a former occasion, my attention was called to the restrictions or regulations of August 1818, which were issued for the guidance of the editors of newspapers here, I promised a compliance with them in my future labours, and as long as I considered them to be in force, I did accordingly make the ~~best~~ ^{most} of them, the rule of my conduct. On the subsequent occasion, however, of an address being presented to his Excellency the Governor-general from the inhabitants of Madras, I heard with pleasure the explanation which his Lordship then offered to the world for the removal of the restrictions from the Indian press; and as this was an avowal of the motives by which an act of his Lordship in Council had been guided, as it emanated from the

(Note B).—Par. 4. On the 18th June last I had the honour to receive from you a letter of the same date, communicating to me the sentiments of the Governor-general in Council, on certain paragraphs published in the *Calcutta Journal* of the 20th May 1819, respecting the reported continuance of Mr. Elliott in the Government of Madras. These paragraphs were stated to be not only highly objectionable in themselves, but also in violation of the obvious spirit of the instructions communicated to the editors of newspapers in August 1818, when the censorship of the press was abolished. Your letter of this date further went to say, that any repetition of a similar offence, in violation of these instructions of August 1818, would subject me to be proceeded against according to law.

illustrious head of the Government himself, and as it was long subsequent in date to the restrictions of 1818, I conceived, that by this solemn and public declaration, the letter of those restrictions was virtually abrogated; as it appeared to my erring judgment, in common with many others, that the sentiments there expressed, and the prohibitions which were formerly in force, were wholly incompatible, and could not simultaneously exist.

§ 5. In my reply to this letter, I expressed my regret at having incurred the displeasure of his Excellency the Governor-general by the violation of the existing regulations, and promised to make them the guide of my conduct in the direction of the department under my charge. As this profession was the sincerity of heart, so was it rigidly and faithfully adhered to, as long as I conceived those regulations to be in force although

~~§. This conviction was strengthened when~~ I saw around me every day a constant violation of those very instructions of 1818 in the Gazette of the Government itself, in which were re-published from the English papers, 1st, Animadversions on the conduct of the Court of Directors, and other public authorities in England connected with the Government of India; 2dly, Discussions on the religious opinions and observances of the natives of

India originating in this country, as well as reports of the measures taken in England for the dissemination of christianity among the subjects of our Indian empire; and 3dly, Personal

remarks on individuals, not only tending to, but actually ^{exciting} creating great dissension in society, which include all the points expressly prohibited by the instructions of August 1818, and which were repeated week after week, without interruption — and without notice from the ~~proper~~ authorities.

§ (Note D.)—6. On the 24th July 1819, the Governor-general received in public audience an address from the inhabitants of Madras, in which, among other acts of his benign government those inhabitants congratulated his Lordship on the wisdom of his policy, which had been founded on the maxims, “that to the attainment of truth, freedom of inquiry was essentially necessary; that public opinion was the strongest support of just government; and that liberty of discussion served but to strengthen the hands of the executive.” They added (adverting to his Lordship’s removal of the restrictions from the Indian press), that “such freedom of discussion was the mark of a liberal and enlightened mind, and an invaluable and unequivocal expression of those sentiments evinced by the whole tenor of his Lordship’s administration.”

7. In the reply of the Governor-general to this address, his Excellency avowed to the world the motives by which he had been actuated in the removal of those restrictions from the press: 1st, From his habit of regarding freedom of publication as a natural right of his fellow-subjects to be narrowed only by special and urgent cause assigned: 2d, From seeing no direct necessity for those invidious shackles which he had been induced to break; and 3d, From a positive and well-weighed policy, which had taught him, that if our motives of action are worthy, it must be wise to render them intelligible throughout an empire our hold on which is opinion. “Further,” his Lordship added, “it is salutary for supreme authority, even when its intentions are most pure, to look to the control of public scrutiny. While conscious of rectitude, that authority can lose nothing of strength by its exposure to public comment; on the contrary, it acquires incalculable addition of force.”

8. As this was an act emanating from the highest authority of the land, and was given to the world as an open and solemn avowal of the motives by which his Lordship was actuated in his removal of the restrictions from the Indian press; as it publicly approved of the exercise of scrutiny and comment on the conduct of Indian administration, and avowed that such comment could only tend to strengthen and add force to a government, the motives of whose actions were pure; it appeared to me, that to withhold such comment was either to doubt the purity of those actions which emanated from the supreme authority, or tacitly to question the sincerity of the sentiments thus openly and solemnly pronounced.

9. I conceived, accordingly, that the regulations or restrictions of August 1818 were as formally and effectually abrogated by this step, as one law becomes repealed by the creation of another, whose provisions and enactments are at variance with the spirit of the former. I conceived, as his Excellency had received the congratulations of the inhabitants of Madras on his removal of the restrictions which bound the Indian press, and explained to them the motives which had induced them to make, that press free, that such restrictions were actually removed, and that the press was really free. My reason taught me that the validity of a rule prohibiting the expression of any opinions on the acts of Government, and a solemn approval of the exercise of public scrutiny and comment on such actions, were incompatible with each other, and could not simultaneously exist; and while I regard the authority which had pronounced such scrutiny useful and salutary

as the highest from which any act could emanate; while I valued and revered the character of the illustrious individual who had pronounced it for sincerity and integrity; and while I entertained the belief that a recent act or law, differing in spirit from an older one, necessarily abrogated it, I could not regard the instructions of August 1818 as any longer binding or in force.

6. I accordingly published the remarks of others, and frequently added my own, on the measures of Government, in all its departments, civil, military and marine, the result of which was to extend the admiration of its policy to every corner of the British empire in India; and never was the maxim which the Governor-general had pronounced of Governments, which had nothing to disguise, wielding the most powerful instrument that can appertain to sovereign rule,

and carrying with them the united reliance and effort of the whole mass of the Government, more fully evinced, than in the general sense and feeling of the whole community of India, on those parts of his Lordship's administration thus made the subject of that public scrutiny, which he had so magnanimously invited.

7. Everything tended to confirm me in my opinion, that I had rightly interpreted the wishes and sentiments of the Governor-general on this important subject, and scarcely a day passed without my breaking the letter of these regulations, which I conceived to have no longer an existence. I contended openly and honestly that the press was free, and when the restrictions of August 1818 were pointed out by the editors of some other papers of the Presidency, I opposed to them the more recent and equally high authority of the manifesto of July 1819. I gave publicity to the opinion of one of the first lawyers of the settlement, that the restrictions were illegal; I repeated the sentiments of Englishmen from the very heart of the interior of India, and the sentiments of public writers in England, that Lord Hastings had, by his emancipation of the press, conferred a boon on his fellow-subjects here, which surpassed in value all that had before been granted to them by any ruler in whose hands their destinies had hitherto been placed; and as all this stood uncontradicted, I conceived for myself, in common apparently with Mr. Fergusson and many others, that the press of India was subject only to those laws which regulate it in England, and that it was amenable only to the local authority, inasmuch as that was the Executive of the British laws in India.

8. In the exercise of this freedom, I ventured to call in question the policy and the liberality of the Court of Directors in some of its former, and still more of its recent acts, as applied to the immediate administration of Lord Hastings himself. I hesitated not to speak as Englishmen would do at home on all the passing events of the times, from whatever source they emanated, with that freedom which had only truth for its limits, and the honest intention of public good for its end. The conduct of the Bombay Government, or of its public officers, on occasion of its first expedition to the Persian Gulph; the defects of the equipment of its second and now pending armament; the publication of the entire report of the meeting at Madras, convened to consider of the address to Lord Hastings, which was not suffered to be published at that Presidency, but which was reprinted afterwards by the Government Gazette here; and, in short, topics that

would be too numerous and too tedious for me to detail, but which must be in the recollection of all persons by whom the Calcutta Journal has been read, were all touched on with freedom.

(Note H).—and it was impossible for me, while these constantly passed unnoticed by the Government, not to be confirmed in my opinion and belief, that the sentiments of the Governor-general, as expressed in his reply to the address of the inhabitants of Madras, were not merely abstract doctrines or general truths, pronounced without a specific object, but were the principles by which his Lordship's conduct was actuated, and the grounds on which he founded a system of liberty of discussion and freedom of publication, which he originally intended to be reduced to practice, and of which he had consequently permitted the free exercise, as consonant with these sentiments, and as meeting his avowed approbation.

13. I regret, however, to learn, by the tenor of your letter of the 12th instant, that I have mistaken the extent of the indulgence and freedom which his Excellency meant to allow to the Indian press. I did conceive, when the Governor-general pronounced "that the triumph of our beloved country over tyrant-ridden France spoke the force and value of that spirit, to be found only in men accustomed to indulge and express their honest sentiments," that his Lordship had extended to us the privilege of the same honest expression of our sentiments in India. If, however, I have been in error in drawing this inference, my regret is considerably heightened by the

* (Note E).—This is para. 10 in Mr. Buckingham's printed Letter.

† (Note F).—This is para. 11 in Mr. Buckingham's printed Letter.

‡ (Note G).—This is para. 12 in Mr. Buckingham's printed Letter.

recollection, that I have contributed so zealously, and so imminently to the risk of my fortune, health and reputation, as I have done, to lead others into the error into which I have myself fallen.

14. From your letter of the 12th instant, I must conceive the full existence of those restrictions of 1818, which I had believed to have been abrogated, as that letter makes it the basis of my offence, that my "Remarks on the Government of Fort St. George are obviously in violation of the spirit of those rules to which my particular attention had before been called;" and because of this violation of a law, which I had the strongest reason to believe annulled, you peremptorily command me, within the short space of three days, to make a distinct acknowledgment of the impropriety of my conduct, by retracting opinions that I honestly conceived and honestly expressed; to make a full and sufficient apology to the Government of Fort St. George, for the injurious insinuations expressed by me against its conduct, without my being convinced of the injustice or falsehood of such opinions, and without my entertaining a sense of having acted wrong; and further, to have this couched in terms that shall express what you may approve, rather than what my own heart and conscience would dictate, by commanding me to transmit to your office, within three days, a draft of such retraction and apology, for your revision and approval, previous to its publication, on pain of forfeiting all the protection of this Government, and being proceeded against in such manner as may be deemed fit.

15. It is impossible for me to express to you, Sir, how I feel humbled by such a demand, in the rank which I deemed myself to have held among my fellow citizens in India, as owing to the government of this portion of the British empire, the warm and loyal attachment of an Englishman, but as being also protected, in my rights and property, in return for that allegiance, by the permanent justice and equity of the British laws, to which alone I conceived myself responsible for crime, and at whose tribunal I should bow to the decision of my judges, with that feeling which ought to characterize a subject of a free, but just and equitable Government.

16. This, however, is a topic which it may be improper for me to enlarge on, and when I proceed to an explanation of the immediate cause of the remarks published in the Calcutta Journal, which have occasioned your present demand of a retraction and apology, I have only to beg, that you will entreat the patient attention of his Lordship in Council to what I have to offer on that head. I regret the length of the detail into which it may lead me, but when the ends of justice are to be promoted, I confidently rely on his Lordship's indulgence and impartiality for a hearing.

10. On the 27th of August 1819, his Lordship in Council was pleased to sanction an arrangement for my payment into the post-office of this Presidency a monthly sum, in consideration of which the Calcutta Journal was to be guaranteed to pass free to all the stations to which the post-office regulations of this Presidency extended, the amount of which sum was to be computed according to the actual postage due on the numbers of the Calcutta Journal that had been dispatched from the general post-office here within the same month, namely, August 1819.

11. Mr. Hall, the late postmaster-general, was instructed to carry this arrangement into effect, and in the first interview which I had with him on this subject, he himself gave me the option of two modes of forming the computation of the monthly sum to be paid. One of these was, to have the postage calculated from Calcutta to certain limits where the post-offices of the other Presidencies commenced, and to have the papers marked paid to those limits only, leaving the postage beyond them to be paid by the persons to whom they were addressed; the other mode was, to have the computation made according to the amount of the whole postage due on the papers from Calcutta to their separate ultimate destinations, and on payment of this sum to have them stamped "full post paid," which would ensure their free passage, without further impost, all the way.

12. As the great object that I wished to accomplish was an equalization of price, and a uniformity of system for the transmission of the Journal all over India, I preferred the latter mode, though to me by far the most expensive. I distinctly asked, however, whether the post-office regulations of this Presidency, which was marked in the contract as the limit of my privilege, did extend to the receiving postage for letters to any part of India, and guaranteeing them free and without charge to wherever they might be addressed, and Mr. Hall satisfied me that they did, by showing me the post-office registers, in which letters and papers were entered for places under the respective Governments of Bombay, Madras and Ceylon, the postage of which being paid here guaranteed their free passage all the way, to whatever places they might be addressed, and these same registers proved also that a reciprocity of system existed under those Governments,

(Note L.)—This note and para. 11 were in Mr. Buckingham's printed Letter.

(Note K.)—This para. 17 in Mr. Buckingham's printed Letter.

ments, with regard to the transmission of letters to places under this Presidency, as every dawk brought letters from Ceylon, Madras and Bombay, the postage of which was paid at those respective places, and they reached the post-office here, marked "post paid," without having borne any additional impost at any intermediate station, or without being subject to any additional charge on their delivery here. It was clear, therefore, to us both, that as far as the receipt of postage on

addresses
the papers, and their free transmission to their ultimate destination was concerned, the post-office regulations of this Presidency extended all over the British possessions in India, either by law or by custom and mutual convenience, for this at least was the practice, and it seemed so clear, at least

both to the Postmaster-general and myself, that we did not deem a reference to the Government necessary, but fixed the computation of the monthly sum on this principle, and executed the bond for the amount conjointly in this belief and impression.

13. The full postage on the papers was then actually paid by me in this contract, and they were marked as all letters and papers so paid are marked, with the post-office stamp "full post paid," and dispatched accordingly. At first, for a period of about a month, as nearly as I can collect from the letters of different correspondents under the Madras Presidency, they were allowed to pass free to Madras, but the postage from Madras to stations beyond it, under that Presidency, was charged to the persons to whom they were addressed. Even in this, however, there was a distinct acknowledgment of the principle and practice, that the mark of "full post paid" should guarantee any letter or paper to its ultimate destination; for in a letter of Mr. Sherson, the

collector at
postmaster-general at Madras, addressed to John Babington, esq., Calicut, dated December the 6th, 1819 (attested copies of which I have been furnished with), the charge of postage from Madras to places beyond it, is thus explained: Mr. Sherson says, "In reply to your letter of

the 28th ultimo, I beg to state, that the Calcutta Journals, from the 1st of September last, although marked on the envelope "full post paid," are inserted in the lists which accompany the mails

from Calcutta as "paid to Madras only," consequently, the additional postage from Madras to their destination was charged, agreeably to the regulations, until the 21st of October last."

14. Here then was a distinct acknowledgment, that but for the manner of registry in a list, of which, of course, I could know nothing, the papers would have gone all the way free, on the same authority as they reached Madras free, namely, that they were marked "full post paid." Through

as
whose mistake this entry was made in the post-office list, differing from the stamp on the envelope, and thus subjecting my subscribers to such loss as this distinction created, I did not inquire; but having learnt that this was the case from private letters, long before the copies of Mr. Sherson's correspondence reached me, I had applied to Mr. Hall to represent the irregularity

on the Calcutta Journals
of such a step as charging postage within the Madras territory, when I had already paid the full

on them
postage here. —Mr. Hall saw and confessed the injustice of this charge, and immediately dispatched a letter to Mr. Sherson, saying, that the full postage had been paid on all the Calcutta Journals sent from hence, and adding, that the regulations of the post-office of this Presidency empowered him to guarantee for this equivalent their free passage all the way.

25th
15. This letter reached the postmaster-general at Madras on the 21st October, the date which he fixed in his letter to Mr. Babington, up to which period the postage from Madras to Calicut had been paid; and in the same letter he says, "But in consequence of a recent communication received

from the postmaster-general at Calcutta, the charging of inland postage on the Calcutta

(at Madras)
Journals transmitted from this office to out stations, ceased on the 26th of October." This was a still more distinct acknowledgment of the principle, that the post-office regulations of this Presi-

in India
dency did extend to all places under the British Government as far as the receipt of money of letters or papers were

and free transmission was concerned, and it was thought so by the Government of Madras, as well as by the postmasters of that Presidency, since this practice of suffering it to go free, because marked "full post paid," continued, with the consent of the Madras Government, for a period of a month, at the end of which, on the 26th November, an impost was ordered to be put on it, not from Madras to the stations beyond it, in consequence of any difference between the post-office

(Note 13).—This is para. 13 in Mr. Buckingham's printed Letter.

(Note 14).—This is para. 14 in Mr. Buckingham's printed Letter.

(Note 15).—This is para. 20 in Mr. Buckingham's printed Letter.

lists and the stamps on the covers as before, but from Ganjam to Madras and onwards, although the full postage continued to be paid monthly by me here, and the same post-office stamp ^{duly} was affixed as usual.

(Note C) — This
separates
Mr. Buckingham's
printed letter.

16. At the same time that these charges were made on the transmission of the Calcutta Journal, other papers and letters, marked exactly in the same way, were suffered to go free, both from Calcutta to Madras, and from stations under that Presidency to Calcutta, it was impossible for me not to regard this apparently partial application of a rule to my papers, which did not apply to other covers going in the same way, otherwise than as a marked distinction; and as I had the strongest reasons to know that the Calcutta Journal had become particularly obnoxious to that Government, from my publication of the report of the Madras meeting to address Lord

Hastings, ^{of} courts martial, in which officers arrested on certain charges had been honourably acquitted, and many other documents, which had not been allowed publication at Madras, while

private letters, which I could not be permitted to cite in evidence, confirmed me in that opinion. I could not otherwise account for the application of an impediment to the passage of the Calcutta Journal through the Madras territories, which was not applied to any other description of correspondence transmitted by the same dawk.

(Note D) — This
separates
Mr. Buckingham's
printed letter.

17. In my application to Mr. Hall, the late postmaster-general, to understand distinctly how these apparent inconsistencies were to be explained, he stated to me, that Mr. Secretary Lushington had communicated to him, that he had misconceived the intentions of the Government, which were, that the papers should go free to Ganjam only, and be paid for by me thus far. As I had no wish to oppose the authority of Government, and no reason to dispute its intentions, I readily assented to this (to me) new interpretation of the contract, as far as it applied to the future trans-

mission of the Journal, and the Government, in justice, as readily granted me a proportionate deduction of the sum that had been entered in the monthly computation for postage to all places beyond it, while the papers were to be marked in future "free to Ganjam only." But as this could take no retrospective effect, I became subjected to a heavy loss in being obliged to refund to my subscribers all the sums they had paid for postage beyond Ganjam, as I had guaranteed the free postage of the Journal to them for a certain sum; besides which, many of the papers were refused to be taken in by the persons to whom they were addressed, in consequence of this additional charge of postage, so that they were returned to me, bearing double postage from Madras and elsewhere, by which I was compelled to pay the postage on them three distinct times; first, in the estimate of the contract; secondly, in the passage from Ganjam to their original destination; and thirdly, the whole of the way from thence back again to Calcutta, without my being able to demand anything from the subscribers who had declined taking it in, and without the paper being of any value to me when returned.

(Note E) — This
separates
Mr. Buckingham's
printed letter.

18. All this was unquestionably an aggravation of evils to which I alone was subject, and, as it appeared to me, without just cause, for although the last and most decided interpretation of the

Government here had fixed that the paper should go free to Ganjam only, and ^{to be} be so marked, yet the Madras Government, or postmaster, who would be justified in exacting a postage on

it ^{to be} when marked free only to that place, were not so justified, as it appeared to me, in making this exaction, when it was marked "full post paid," and when other covers, bearing the same

mark, were not subject to the same rule. To add to these ^{evils} heavy losses, the application of the rule as it now stands, namely, the payment of a postage beyond Ganjam by the subscribers, has already lost me many, and will probably occasion me the loss of many more subscribers to the paper beyond that place, and thus subject me to a still further monthly loss, during all the time that the contract may continue in force, as whether I dispatch my usual number of papers, or only one, to a station under that Presidency, the full amount of the monthly contract, including the postage from hence to Ganjam, must be paid by me. The loss has perhaps already equalled

5,000 rupees; but the far greater evil is, its breaking up and destroying entirely a system, of uniformity, from which I had counted on certain permanent results in extending the circulation of the paper all over India, and in being thus enabled to obtain a remuneration, at some future time, for the risk and expense incurred to effect that object, the hope of which, if the Government still continue to give the contract its present interpretation, is thus entirely destroyed.

19. I am

19. I am aware that Governments cannot enter into the feelings of individuals, or take their private sufferings into account, in their decisions on their public rights or wrongs, but when it is considered, that by an unaccountably varying application of a rule, from a certain branch of the Madras Government, towards myself, all the hopes that I had founded, on what I had good grounds for conceiving a just interpretation of my contract with the Government here, namely, the extension of its authority to guarantee the free postage of letters or papers paid for here all over India, are overturned in that quarter, I shall, I hope, be forgiven, at least, for having felt very sensibly, however indiscreet I might have been in giving publicity to the expression of those feelings.

(Note R) — This is para. 24 in Mr. Buckingham's printed Letter.

20. In communicating these changes, and the steps that had been taken by the Madras Government to demand from my subscribers the postage on the Journal from Ganjam, as well as the arrangements made by me to render it less inconvenient to them, by taking on my own hands all the present, and still greater future loss, I simply stated, that measures had been taken by the Madras Government to impede its circulation, by which I meant the levying the postage on it while marked "full post paid," and added my belief that they would, no doubt, have formed a correct opinion as to the motives in which these measures had originated, leaving that entirely to their own construction. Neither in the statement of this fact, nor in the expression which follows it, can I, therefore, see anything which I could honestly express a sense of impropriety in having used.

(Note S) — This is para. 25 in Mr. Buckingham's printed Letter.

21. In stating that my desire to extend the circulation of my paper arose in proportion to the obstacles opposed to it, I only gave utterance to a feeling which has actuated me from the first hour of my public labours up to the present; and in saying that discussions were to be met with in this paper on topics that were seldom touched on in other Indian prints, I mentioned a fact so notorious, that it would be the grossest violation of truth to deny it.

(Note T) — This is para. 26 in Mr. Buckingham's printed Letter.

22. The next paragraph of my "Notice to subscribers under the Madras Presidency," which speaks of the sacrifice I had determined to make, and calls the postage from Ganjam to Madras, "a tax levied by order of the Madras Government," contains nothing which, in my estimation, could offend, without a great misconstruction of its meaning. Of my own sacrifices, of course, I may be at all times permitted to speak or to be silent, but when I spoke of "a tax," I meant simply the postage, and in saying "it was levied by order of the Madras Government," I meant that it was actually charged on the Calcutta Journals, by some branch of that Government, whether subordinate or otherwise it was impossible for me to say, although the full postage of those papers had already been paid here. This is also a fact which, as I could substantiate, it would be a dereliction of my duty to deny.

(Note U) — This is para. 27 in Mr. Buckingham's printed Letter.

23. In saying that I was willing to incur a further voluntary sacrifice, or to give the paper gratis to the subscribers under the Madras Presidency, for their patronage of free discussion, I acted only in conformity with the principles by which I have been constantly guided in my public labours: and in saying I hoped to see that free discussion made subservient to the great end of public good, for which alone it was granted to us, I think that I can have said nothing which this Government could ever wish me to retract.

(Note V) — This is para. 28 in Mr. Buckingham's printed Letter.

24. The next paragraph in this "Notice" states, that the measures of the Madras Government (by which I wish to be distinctly understood as meaning that branch of it under whose cognizance this act came), in refusing to let the paper pass free beyond Ganjam, though marked "full post paid" here, had already occasioned me a considerable loss: this I could, if necessary, prove.

(Note W) — This is para. 29 in Mr. Buckingham's printed Letter.

25. The close of the "Notice" says, "We trust that the dissemination of sound principles in politics, and free inquiry on all topics of great public interest, will meet no check by these means, but that the triumph of liberality over its opposite quality will be full and complete, whatever obstacles may be opposed to it, or in whatever quarter such opposition may originate."

(Note X) — This is para. 30 in Mr. Buckingham's printed Letter.

(Note 1).—This is para. 31 in Mr. Buckingham's printed Letter.

26. In this I am free to declare, upon my honour, that by "these means" I meant simply by the check which the circulation of my paper had suffered by the levy of the additional postage, and I was vain enough to consider, that sound principles and free inquiry were disseminated and encouraged by the circulation of that paper, which I could hardly be expected to express any contrition for having said. By the "triumph of liberality over to its opposite quality," I meant

the use of these terms as applied to *principles* as well as *actions*. I ^{considered} Lord Hastings' removal of the restrictions from the press to evince liberal *principles*, and I hoped that this would triumph over its opposite at Madras as it had done recently at Bombay. I considered the consent

of the Government here to an arrangement, granting me the free circulation of my paper for a given sum, to be a liberal *act*, and I hoped that this would supersede an opposite practice at Madras, as it does in Bengal and at Bombay now. When I added a hope that this triumph would be full and complete, in whatever quarter an opposition to it might originate, I meant no more than the words literally import, as I supposed that such opposition might as well arise in and in a medium one as easily as in any other; ^{does} a subordinate as in a supreme authority; In all therefore I have advanced nothing that I did not honestly believe, and which does not still appear to me unobjectionable.

(Note 2).—This para. and para. 28 form para. 32 in Mr. Buckingham's printed Letter.

27. Thus far, however, I am free to confess, that no language of mine can sufficiently express either the depth or sincerity of my regret: first, that any act of mine, more particularly one which could be thought an abuse of the indulgence that his Excellency the Governor-general has extended towards the Indian press, should have incurred his displeasure; secondly, that so many misconceptions should have arisen with regard to the regulation of the postage between this place

and Madras, and that anything which I should have said on ^{here} this subject should have given offence

to the Government; and lastly, that ~~from the short period prescribed me for the preparation of the long details which I felt myself bound to offer in explanation,~~ I have not possessed time either calmly to review, soften, correct or alter anything that I have written, but must send it up immediately to the Government, with all its faults, fresh from the warm feelings which have dictated what my pen has thus hastily traced.

28. I may be permitted to add also, that those feelings have been considerably irritated and wounded, by my learning, that short as the period is that has elapsed since the transmission of your letter to me, the news of the pointed displeasure of the Government having been officially notified to me, together with all the circumstances of the style and tone, so painful to the feelings

even of an humble individual like myself, has been made generally known, and industriously circulated throughout Calcutta, and that, in addition to the injury which the report of my disgrace and anticipated ruin is of itself calculated to attach to my character and fortune, the aggravated misrepresentations respecting my offence, and your manner of noticing it, by those who are my enemies from mere difference of opinion on public grounds only, have already produced an effect from which I may not easily recover.

I have, &c.—
(signed) J. S. Buckingham.

33. In conclusion, I beg you will say for me to his Excellency in Council, that if it is his pleasure to command me to relinquish my charge, abandon my occupations, and sacrifice, with my present property, all my future hopes, long and ardently as I have toiled through misfortune and suffering to attain the footing I now hold, I shall yield implicitly to his authority. If it be his pleasure further to command me to leave the country, I have not the means, nor indeed could I wish to possess them, of resistance. If, however, his Lordship should deny me this alternative, and still insist on my expressing a sense of contrition for an act that I cannot honestly avow to be wrong, or my retracting opinions which I sincerely believed to have been correct when I uttered them, and which I still entertain, or on publicly apologising for the performance of an act which, when committed, I held to be my bounden duty, I feel that I cannot promise a compliance.

34. For the past, I am willing to express this open and public regret at my discovering myself to be in error, in inferring the cessation of the restrictions of August 1818, which I confess freely that I, in common with every other editor, even those who contended for their being still in force, have violated (on my own part, however, from believing that they were virtually abrogated, and no longer binding), and still deeper regret at having done anything under the influence of such

error which could have been capable of misconstruction, or have given to his Lordship in Council or any other member of the Indian Government, unnecessary pain.

35. For the future, if I am permitted to exercise my present avocations, I desire only to know distinctly and clearly, what are the topics on which I am not to touch; and understanding this to be the will of the Government, in the form of a law or official regulation, I shall regard it as I have been accustomed to regard the laws of my country, as paramount to all authority, as subject to question only for the purpose of revisal and amendment, but as commanding obedience as long as it is in conformity to the constitutional powers vested in any legislative body, and as long as the application of the penalties for infringing it is uniform and impartial.

I have the honour to be, &c.

J. S. Buckingham.

Jan. 18, 1820.

X.

PAPERS delivered in to the Committee by *T. L. Peacock, Esq.*

— No. 1. —

EXTRACT PUBLIC LETTER from *Bengal*, dated 1st October 1821.
(Referred to in page 95 of the Evidence.)

110. We have already had occasion to report to your honourable Court, frequent instances of abuse on the part of the editor of the *Calcutta Journal*, Mr. J. S. Buckingham, of the indulgence of this Government in dispensing with the submission of newspapers published in this country to the previous inspection of the Chief Secretary to the Government. The lenity extended to Mr. Buckingham, however, appears to have had the effect only of encouraging him to new infractions of the rules prescribed for the regulation of the public press. In the case which we are about to describe, it appeared to us, that Mr. Buckingham had exposed himself to legal penalties by the licentiousness of his pen, and we accordingly deemed it proper to address a reference to the Advocate-general on the subject.

111. In the *Calcutta Journal* of the 2d and 3d July last, were the following objectionable passages:

"We have found champions, and able ones, flowing from every quarter of India which had yet received that infamous prospectus (circulated post-free by some authority or other, no doubt, though we are far from believing it to be the highest), or our own comments on it circulated under the usual limitations of weight and postage, without favour or indulgence.

"The prospectus of '*John Bull in the East*,' we are informed, was sent post-free into the interior with the permission of Government."

112. These extracts had evident allusion to the authority given by Government for the transmission, post-free, to the several stations in the interior, of the prospectus of a new paper, to be called '*John Bull in the East*;' which indulgence had been expressly granted with reference to a similar exemption extended to the first number of the *Calcutta Journal*, comprising the prospectus of its editor. The attention of the Advocate-general was requested to the passages above quoted, and he was desired to inform Government whether, in his judgment, the passage marked in the paper of the 2d of July, taken in connection with what preceded and followed it, was of a nature to subject the editor of the *Calcutta Journal* to legal penalties for the publication of a libel against the Government, or against any of the officers of Government.

113. The Advocate-general in reply, briefly stated his opinion, that the particular publication alluded to, could not be considered as a libel upon the Government, and on the whole, with reference to the vagueness of the insinuation against some officer of Government, he did not think it a case to be selected for prosecution.

114. On this occasion Mr. Adam recorded a minute, stating that it appeared to him that Mr. Spankie had not directed his attention to what formed the material part of the question. Mr. Adam observed, that the expressions used in the *Calcutta Journal* of the 2d July, implied that a certain "infamous" paper had been circulated, post-free, by some authority, not, as the writer believed, the highest; and that this was done with a view to injure him, while his own writings were subjected to the charge of postage. In the publication of the 3d, the editor informed his readers, that the publication in question was circulated by the authority of Government, leaving the charge of gross injustice unretreated, and thus transferring the obloquy from the supposed subordinate authority to the Governor-general in Council himself.

115. To this part of the case, Mr. Adam remarked, Mr. Spankie appeared not to have adverted; Mr. Adam was led to infer, however, that the Advocate-general would not recommend a prosecution, were this brought to his notice, and it was not Mr. Adam's intention, therefore, to propose another reference.

116. Considering, however, the assertions and insinuations of the editor of the *Calcutta Journal* as a gross affront to Government, and a heavy aggravation of former offences which had been excused, Mr. Adam expressed his opinion that Mr. Buckingham ought to be required to make a public apology for the same, and Mr. Adam submitted that opinion for the consideration of the Board.

131. We then recorded the following resolutions, that under the opinion expressed by the Advocate-general in his letter of the 9th July, the Governor-general in Council did not deem it expedient to direct that any legal measures should be adopted with a view to the punishment of Mr. Buckingham, the editor of the *Calcutta Journal*, for the publication of the offensive and highly improper remarks contained in the *Calcutta Journal* of the 2d and 3d July.

132. In the official communication which had been made to Mr. Buckingham, by order of Government, he had been distinctly apprised of the serious displeasure felt by Government at his proceedings, and had been fully warned of the measure which Government would

would be compelled to pursue towards him in the event of his persisting in a similar course of conduct.

133. With reference to the purport of that communication, it appeared to Government to be then unnecessary to require from Mr. Buckingham a public apology for the specific offence which had led to the correspondence above referred to.

— No. 2. —

LETTER from the Chairman and Deputy Chairman of the East India Company to the Right Honourable *Charles Watkins Williams Wynn*, dated 17 January 1823. — (Referred to in pages 92 and 106-7 of the Evidence.)

Sir,

THE attention of the Court of Directors having for some time past been most seriously turned to the state of the public press in India, they are desirous of putting the Board in possession of the best information upon the subject which they have been able to collect from the East India Company's records, accompanied with such considerations as the facts have suggested to the Court. The change which is about to take place in the Supreme Government of India, by the appointment of a new Governor General, has appeared to present a fit opportunity for deliberation and discussion on a question, delicate and difficult it must be confessed, but the delicacy and difficulty of which ought not, in the opinion of the Court, to prevent its being boldly met and freely canvassed.

Approved Committee
Correspondence,
the 10th Jan. 1823,
Court, 14th.

As the organs of the Court, and acting as the interpreters of its sentiments on this occasion, we shall begin with taking a retrospect of the measures, whether penal or precautionary, which the successive local governments in India have, with the sanction of the authorities at home, deemed it expedient to resort to, in regard to the editors of newspapers, and other periodical works, from the year 1791 downwards.

It does not appear that, previously to 1799, there were any uniform and consistent rules established at the three presidencies, for guiding the conduct of the editors of newspapers, or for restraining and punishing their excesses. The frequency of the abuses, however, which occurred in the Calcutta press, between the years 1791 and 1799 (as hereafter enumerated), seem to have satisfied the Government, at the latter period, that other checks were required than the discretion of editors, and apprehension of the displeasure of Government, whether manifested in the more lenient form of censure, or to the full extent of its powers in the deportation of the offending party.

In 1791, Mr. William Duane was arrested by the Bengal Government, and ordered to be sent to Europe, in consequence of an offensive paragraph which appeared in the Bengal Journal, reflecting upon Colonel De Canaple, Commandant of the Affairs of the French nation (as he was styled), and his countrymen, then residing at Calcutta. Mr. Duane, on that occasion, applied to the Supreme Court for a writ of habeas corpus, which was granted. The writ having been served upon the acting town-major of Calcutta, it was stated, in the return annexed thereto, that the Governor-General in Council had ordered the arrest of Mr. Duane, with a view to his being sent to Europe; that the Governor-General in Council possessed the legal right to issue and enforce such orders, and that, in obedience thereto, Mr. Duane had been seized, and was then detained in legal custody of the acting town-major. After a long and elaborate argument upon the validity of this return, the Judges of the Supreme Court came to a solemn and unanimous decision, recognizing the right asserted by the Government; and Mr. Duane, who had been brought into Court, was remanded to the custody of the town-major. In consequence of the intercession of Mr. Fumeron, the French agent, Government was induced to revoke its order for the embarkation of Mr. Duane; but that person having afterwards published, in a paper called *The World*, of which he was editor, a number of improper and intemperate articles, and particularly an inflammatory address to the army, he was again arrested and sent to Europe, in the end of 1794, and of this proceeding the Court of Directors highly approved.

Abuses of the public
press at Calcutta from
1791 to 1798, and
measures to which
they gave rise.
Case of Mr. William
Duane.

In 1796, the editor of a Calcutta paper, called *The Telegraph*, incurred the displeasure of Government, by inserting in his journal an article, imputing to a gentleman in office the extortion of the enormous batta taken by the shroffs of Calcutta on the exchange of gold mohurs for silver. The editor, Mr. H. McKenly, having been called upon to explain on what ground the assertion contained in this paragraph had been made, replied, that the paragraph had been inserted on the authority of Mr. Hair. Mr. Hair, on being required to furnish explanations, and also to name the gentleman alluded to, denied being the author of the offensive paragraph, and there the matter seems to have been allowed to rest.

Case of Mr. H.
McKenly, editor
of the Telegraph.

In the same year (1796), a paragraph having appeared in the Calcutta Gazette, relative to certain communications on the subject of peace, which had passed between the Court of London and the French Republic, the editor was admonished of the impropriety of inserting such observations in a paper published under the sanction of Government; but, on Mr. Horsley asking pardon, and promising to abstain in future from inserting similar articles, no further proceeding was adopted.

Case of Mr. Horsley,
editor of the Calcutta
Gazette.

In 1798, in consequence of a letter which appeared in the Telegraph, under the signature of "Mentor," tending to excite discontent and disaffection in the Indian army, the Bengal Government

Case of Captain
Williamson.

Government was induced to take measures for discovering the author of the letter; and it having been found to have been written by Captain Williamson, he was suspended the Company's service; and the Court of Directors subsequently refused to comply with his request for leave to return to India, though they permitted him to retire with the half-pay of his rank.

Case of Mr. Charles McLean.

In the same year (1798), a letter having appeared in the *Telegraph*, signed *Charles McLean*, animadverting on the official conduct of Mr. Rider, the magistrate of Ghazee-pore, both the editor and Mr. McLean were called upon by Government to apologize for publishing the article in question. The editor complied, but Mr. McLean refused. The latter was, for this act of contumacy, and his previous misconduct in quitting the ship to which he had been attached, and remaining in India without permission, sent to Europe. Of this proceeding the Court approved.

New instance of misconduct in the editor of the *Telegraph*.

In 1799, the editor of the *Telegraph* was called upon by Government publicly to apologize for some very indecent reflections which had appeared in his paper on the clerk of the post-office.

At that period (1799), in consequence, as was stated, of the number of improper paragraphs which had appeared in the newspapers, the Bengal Government established the following Regulations for the public press:

- 1st. Every printer of a newspaper to print his name at the bottom of the paper.
- 2d. Every editor and proprietor of a paper to deliver in his name and place of abode to the Secretary to Government.
- 3d. No paper to be published on a Sunday.
- 4th. No paper to be published at all until it shall have been previously inspected by the Secretary to the Government, or by a person authorized by him for that purpose.
- 5th. The penalty for offending against any of the above Regulations to be immediate embarkation for Europe.

Imposition of the censorship.

These Regulations were communicated to the proprietors and editors of papers, who severally addressed the Government, promising strict compliance therewith. The Regulations were extended to other papers as they started; and, on being reported to the Court of Directors, they were distinctly approved by them.

Plan for establishing a Government printing press at Calcutta.

In a plan prepared in 1801, by order of the Bengal Government, for the establishment of a Government printing press, it was proposed to print an official gazette, accompanied with a newspaper containing articles of intelligence and private advertisements, the latter to be published under the inspection of Government, but not to be considered, like the gazette, as an official communication. The following were the grounds alleged for this proposition:

"In a political view, a powerful motive arises in favour of the proposed establishment. The increase of private printing presses in India, unlicensed, however controlled, is an evil of the first magnitude in its consequences; of this, sufficient proof is to be found in their scandalous outrages, from the year 1793 to 1798. Useless to literature and to the public, and dubiously profitable to the speculators, they serve only to maintain in needy indolence, a few European adventurers, who are unfit to engage in any creditable method of subsistence. The establishment of a press by the Supreme Government would effectually silence those which now exist, and would as certainly prevent the establishment of such in future."

The plan was not carried into execution, on account of the expense with which it was supposed that it would be attended. But the foregoing passage shows the feeling which existed at the time, respecting the abuses of the press, previously to the establishment of the censorship.

Special prohibitory orders issued to the editors of newspapers.

In 1801 the editor of the *Calcutta Gazette* was prohibited from publishing any military orders, army list, book or pamphlet, relative to the numbers or situation of the army, without the immediate sanction of Government; and the editors of the other papers were prohibited from publishing any military orders, except such as had previously appeared in the *Gazette*, and from publishing any army list, &c. without the permission of Government.

In 1803 the editors of newspapers were prohibited, during the war, from publishing any articles of intelligence respecting the departure of ships.

In 1804 the editor of the *India Gazette* was directed not to publish, during the war, any naval or shipping intelligence whatever, excepting such as had appeared, in the first instance, in the *Calcutta Gazette*, under the sanction of Government.

In June 1807 the editors of the newspapers were censured for having published, without authority, intelligence respecting His Majesty's fleet in India, the same being contrary to the orders of Government. The editors were again directed not to insert articles of this kind, unless they had previously appeared in the *Government Gazette*, or had been otherwise duly authorized by the naval Commander-in-chief in India. Any deviation in future from these orders, it was signified to them, would incur the displeasure of Government.

Special prohibitory orders extended to editors of newspapers at the subordinate presidencies.

The governors of Fort St. George, Bombay and Prince of Wales Island, were requested to issue similar orders to the editors of the several newspapers at those places, respectively. The

* *Hirkarrab, Morning Post, Calcutta Courier, Telegraph, Oriental Star, Indian Gazette, Asiatic Mirror.*

The editor of the Indian Gazette was desired to state why he had issued a number of his paper, without having previously submitted the proof-sheets for the inspection of Government, and directed not to send it out of Calcutta.

In 1808 the editor of the Calcutta Gazette was censured for having omitted, during several weeks, to submit proof sheets of his paper for inspection previously to publication. Various articles having been inserted during that period which were deemed particularly improper and objectionable, in a paper published under the express authority of Government, the editor was directed, for the future, invariably to send his proof sheets for revision, and to include therein every article, as well of intelligence as of other matter intended for publication.

The editor expressed his regret at having inadvertently omitted to send the proof-sheets for inspection, and promised greater regularity in future.

In 1811 the proprietors of all the presses in Calcutta and its dependencies were directed to cause the names of the printers to be affixed to all works, papers, advertisements, &c. printed at, or issuing from those presses, on pain of incurring the displeasure of Government.

In 1812 the editor of the Calcutta Daily Advertiser was censured, at the instance of the adjutant-general, for having inserted an advertisement, "having for its object to expose to public ridicule a respectable officer in the Company's service." The re-insertion of the advertisement, and of the correspondence to which it referred, was prohibited; and this opportunity was taken for directing all advertisements to be submitted for the inspection of Government, previously to publication, in like manner with other articles.

The editor apologised for the insertion of the objectionable advertisement, but remarked on the great inconvenience which would be occasioned if all advertisements were to be submitted for the previous inspection of Government, suggesting the limitation of the orders of Government to such advertisements as were of a doubtful nature, and the exemption from their operation of those which had clearly for their objects sale, purchase, hire and notices in general. Government acknowledged the justice of this representation, and agreed to modify their orders accordingly.

In 1813 Mr. Assistant-surgeon Tytler complained to Government of a libel having been published against him in the Hirkarrah. The offensive article was in consequence represented to the proprietors as highly improper, and they were desired to explain why the publication had not been submitted to Government prior to the circulation of 150 copies. The proprietors stated, in reply, that they were not aware that Government required papers of a private nature (where parties took the responsibility on themselves) to be submitted for previous inspection, but promised more strict attention to the injunction in future.

On the 16th October 1813 the following rules were established for the control of the printing-offices at Calcutta:

- 1st. "That the proof-sheets of all newspapers, including supplements, and all extra publications, be previously sent to the Chief Secretary for revision.
- 2d. "That all notices, hand-bills and other ephemeral publications, be in like manner previously transmitted for the Chief Secretary's revision.
- 3d. "That the titles of all original works proposed to be published, be also sent to the Chief Secretary for his information, who will thereupon either sanction the publication of them, or require the work itself for inspection, as may appear proper.
- 4th. "The rules established on the 13th May 1799, and the 6th August 1801, to be in full force and effect, except in so far as the same may be modified by the preceding instructions."

On the 11th April 1815 the very irregular conduct of the editor of the "Mirror," in having inserted an account of the route from Janickpore to Catmandhoo, after the same had been struck out by the Secretary to Government, was pointed out to him by the Chief Secretary.

On the 30th April 1815, the editor of the Mirror, at the recommendation of the Adjutant-general, was censured for having inserted in that paper, a statement of the formation of three new regiments, with their allotment of officers, such a measure being at that time only under the consideration of Government. The editor begged to decline naming the mercantile house from which he had obtained his information, stating, "that all forthcoming civil and military appointments are generally known before their publication in the Calcutta Gazette, or the public official communication of them by Government." He also remarked on the rigour exercised by the present censor, when compared with the conduct of his predecessor.

In 1817, Dr. Bryce, the editor and managing proprietor of the Asiatic Mirror, complained to Government of the Chief Secretary (Adam), for having "overstepped the powers of his office," as censor of the press, in striking out of the proof-sheets a critique on a historical, political and metaphysical work, by Lieutenant Young, which critique Lieutenant Young had perused and approved. Mr. Adam stated, that he considered the critique "to be written in a tone of sarcasm and bantering likely to produce irritation, and to have occasioned an angry discussion in the newspapers;" and that he deemed the prevention of such disputes to be strictly within the limits of his duty and authority, as connected with the control of the press; but that, on hearing from Dr. Bryce that Lieutenant Young had approved of the critique, he should have allowed its publication, had not Dr. Bryce accompanied the intima-

Neglect of editors to submit the proof-sheets of their papers for the inspection of Government, previously to publication, censured.

Names of the printers ordered to be affixed to all works, papers, and advertisements issuing from the Calcutta presses.

Case of the editor of the Calcutta Daily Advertiser.

Advertisements ordered to be submitted for the inspection of Government previously to publication.

Modification of the orders issued respecting the previous inspection of advertisements.

Libel against Mr. Assistant-surgeon Tytler, published in the Hirkarrah.

New rules established for the control of the Calcutta printing offices.

Improper conduct of the editor of the Mirror.

Editor of the Mirror again censured.

Case of Dr. Bryce, editor of the Asiatic Mirror.

tion with a threat of complaining of him to Government, for an undue exercise of his powers as censor, in having expunged it from the proof-sheets. Dr. Bryce, at the same time, submitted to Mr. Adam a notice to his readers, accounting for the hiatus, which would appear in that day's Mirror, in the event of his (Mr. Adam's) persisting in his refusal to allow the appearance of the critique. The notice, strongly reflecting on the conduct of the censor of the press, in prohibiting the appearance of a criticism on a work purely literary, was cut down by Mr. Adam to a mere apology "for a blank in this day's Mirror."

It was intimated to Dr. Bryce, in answer to his complaint, that, under the explanation given by Mr. Adam, the latter was not considered to have unduly exercised his powers as censor, in the instance specified by Dr. Bryce, whose conduct, with respect to the intended notice to his readers, was deemed highly disrespectful. He was, therefore, informed, that in his "editorial capacity," he stood under the unfavourable sentiment of Government. The Governor-general also remarked on the "incompatibility of the avocations of an editor and managing proprietor of a newspaper," with the clerical character, even "supposing the paper conducted without inviting controversy." Dr. Bryce, on receiving the above-mentioned communication, again addressed the Government, and submitted certain explanations relative to his conduct as editor of the Mirror, with a view of inducing a revocation of the censure passed on him by Government. He also defended the propriety of his conduct, in having undertaken the office of editor of a newspaper, which he did not consider to be incompatible with the clerical character. In the course of his observations, Dr. Bryce commented severely on the conduct of Mr. Adam, as censor, when compared with that of former censors of the press.

The Governor-general in council, after a perusal of Dr. Bryce's defence, declared that he could see no reason, in his present explanations, to withdraw the public censure passed upon him in his editorial capacity, and that his Lordship had observed, with sincere regret, "the whole strain and tenor of Dr. Bryce's letter;" but that his Lordship in Council deemed it unnecessary to continue a discussion with him on the subject, adding, that it was "almost superfluous to observe, that the character of Mr. Adam stood too high in the estimation of Government, and of the public, to be, in any way, affected by the insinuations stated in Dr. Bryce's letter."

Previous Correspondence with Dr. Bryce, the editor of the Mirror.

It appears that in February 1817 Mr. Adam had complained of the insertion of matter in the Mirror not sanctioned by him, and Dr. Bryce, in reply, vindicated his general conduct as editor of the paper, and stated that, in the instance specified, the fault did not rest with him. He then proceeded to inquire whether he might be allowed, after the proof-sheets had received the censor's initials, to correct typographical errors, or grammatical inaccuracies, or to withdraw from the paper anything once submitted, or even to insert births, deaths, marriages and advertisements, or a summary of intelligence of importance that might happen to be received after the proof-sheets had been sent to the censor; if not, he declared his intention to apply for a relaxation of the rules, which he requested to be furnished with, "as he was only acquainted with them in the mode of conducting the department of censor by Mr. Ricketts, and as Mr. Adam had departed materially from what he understood to be the established practice." Mr. Adam answered affirmatively all the above inquiries, and stated that he only desired the observance of the rules already established by former practice, and by the letters which he had addressed to him on the subject.

Removal of the Censorship.

On the 19th August 1818, the following new Regulations, superseding the censorship, were passed by the Governor-general in Council, for the conduct of the editors of newspapers:

"The editors of newspapers are prohibited from publishing any matter coming under the following heads, viz.

"1st. Animadversions on the measures and proceedings of the Honourable Court of Directors, or other public authorities in England, connected with the Government of India, or disquisitions, on political transactions, of the local administration, or offensive remarks levelled at the public conduct of the members of the Council, of the judges of the Supreme Court, or of the Lord Bishop of Calcutta."

"2d. Discussions tending to create alarm or suspicion among the native population, of any intended interference with their religious opinions or observances."

"3d. The republication from English or other newspapers of passages coming under any of the above heads, or otherwise calculated to affect the British power or reputation in India."

"4th. Private scandal and personal remarks on individuals tending to excite dissension in society."

The rules prescribed for the guidance of the editors of the Calcutta papers, were reported to the Court of Directors in the public letter from Bengal, dated 1st October 1818 (paragraph 78), but no reasons were assigned for the change of system, either on the consultations of Government or in the despatch to the Court.

Draft of a proposed despatch to Bengal respecting the press, sent to the India Board, and not returned.

The Court having been desirous of replying separately to such part of the communication from the Bengal Government of the 1st October 1818, as related to the press, prepared the draft of a despatch, which was sent up officially to the India office for the sanction of the Board of Commissioners, on the 7th April 1820; but the draft has never been returned by the Board, nor has the Court received any official communication respecting it.

The following extract from the proposed despatch will explain the sentiments and object of the Court in framing it:

"It is clear, from the tenor of these new Regulations, and from the nature and extent of the

the restrictions imposed by them, that you have not intended to liberate the press of Calcutta from all control on the part of Government, although an inference, even to that latitude, might have been drawn, from an article in the Madras Government Gazette of 12th August last, purporting to be an answer of the Governor-general to an address from the inhabitants of Madras. The only question, therefore is, whether the new system of control is likely to prove at once equally efficient with that which it supplanted, and less inconvenient to individuals. After the fullest consideration which we have been able to give to the subject, it is our decided conviction that neither the Government, nor the public, nor the editors will benefit from the change.

"With this conviction we positively direct that, on the receipt of this despatch, you do revert to the practice which had prevailed for near 20 years previous to 1818, and continue the same in force until you shall have submitted to us, and we shall have approved and sanctioned, some other system of responsibility or control, adapted alike to all our presidencies in India.

"The inconvenience and public scandal which have resulted from the sudden liberation of the press at Calcutta, while that at Madras continued under control, are too notorious to require particularizing here, and could not but be the consequence of so hasty and partial a measure.

"We do not by any means intend that the direction now conveyed to you should be understood as implying a determination on our part to maintain in perpetuity the system of previous inspection, as established for the last 20 years; but we mean distinctly to show, that we cannot consent to have great changes made in any part of our existing system, without a previous communication to us, and a previous signification of our approval, and especially without some efficient substitution in the room of the Regulations proposed to be rescinded."

It remains for us shortly to trace the results of the new system established in Bengal in 1818.

At a meeting of the inhabitants of Madras, held on the 26th May 1819, for the purpose of congratulating Lord Hastings on the successful issue of the Pindarry and Mahratta war, it was resolved to present an address to his Lordship, in which there was the following passage: "While contemplating this important subject, it must have occurred, that to the attainment of truth freedom of inquiry was essentially necessary; that public opinion was the strongest support of just government; and that liberty of discussion served but to strengthen the hands of the executive. Such freedom of discussion was the gift of a liberal and enlightened mind, an invaluable and unequivocal expression of those sentiments evinced by the whole tenor of your Lordship's administration." The Governor-general, adverting to this portion of the address, in his reply, was represented in the Madras Government Gazette to have expressed himself as follows: "One topic remains. My removal of restrictions from the press has been mentioned in laudatory language; I might easily have adopted that procedure without any length of cautious consideration, from my habit of regarding the freedom of publication as a natural right of my fellow subjects, to be narrowed only by special and urgent cause assigned. The seeing no direct necessity for those invidious shackles, might have sufficed to make me break them. I know myself, however, to have been guided in the step by a positive and well-weighed policy. If our motives of action are worthy, it must be wise to render them intelligible throughout an empire, our hold on which is opinion. Further, it is salutary for supreme authority, even when its intentions are most pure, to look to the control of scrutiny. While conscious of rectitude, that authority can lose nothing of its strength by its exposure to general comment; on the contrary, it acquires incalculable addition of force. That government which has nothing to disguise, wields the most powerful instrument that can appertain to sovereign rule. It carries with it the united reliance and effort of the whole mass of the governed; and let the triumph of our beloved country, in its awful contest with tyrant-ridden France, speak the value of a spirit to be found only in men accustomed to indulge and express their honest sentiments."

Address of the inhabitants of Madras to Lord Hastings.

12 August 1819

No allusion having been made by Lord Hastings, in this communication, to the restrictions imposed by Government on the press by its orders of August 1818, it seems to have been inferred, at least by some of the editors of papers, that it was not intended to enforce those restrictions.

In June 1819 some paragraphs appeared in the Calcutta Journal, grossly aspersing the character of Governor Elliot, and representing his continuance in office as a public calamity. The Advocate-general having been called upon for his opinion as to the advisableness of instituting legal proceedings against Mr. Buckingham, the editor, rather discouraged the adoption of this course. The Government felt strong objections to exercise its extreme powers, by depriving Mr. Buckingham of his licence to remain in the country, considering that it was the first offence which had occurred since the removal of the censorship. It was therefore deemed sufficient severely to reprove Mr. Buckingham, and to warn him of the inevitable consequences of violating the restrictions which had been imposed when the censorship was taken off. Mr. Buckingham expressed contrition for his offence, and pledged himself to avoid inserting in his paper objectionable matter in future.

Attack on Governor Elliot in the Calcutta Journal.

In January 1820 certain observations appeared in the Calcutta Journal, under the head of "A Notice to Subscribers under the Madras Presidency," clearly intending to convey the impression that the Government of Fort St. George had taken measures, unjust in themselves, and originating in improper motives, to impede the circulation of that Journal.

Attack on the Government of Fort St. George in the Calcutta Journal, for impeding its circulation.

Mr. Buckingham was admonished of the impropriety of his conduct in violating the rules which Government had laid down for the conduct of the press, particularly after having so lately experienced its indulgence, and was warned of the *certain consequence* of his again incurring its displeasure. He was, at the same time, required to publish in the Calcutta Journal, a distinct acknowledgment of the impropriety of his conduct, and a full and sufficient apology to the Government of Fort St. George. On receiving a notification to this effect, Mr. Buckingham submitted two letters to Government, containing a justification of his conduct. In one of these letters, alluding to the answer of the Governor-general to the address of the inhabitants of Madras, he says, "I conceived that, by this solemn and public declaration, the letter of the restrictions of 1818 was virtually abrogated, as it appeared to my erring judgment, in common with many others, that the sentiments there expressed, and the prohibitions formerly in force, were wholly incompatible, and could not simultaneously exist." Mr. Buckingham's explanation appearing to a majority in council (Mr. Adam dissenting), to afford considerable ground of exculpation, a more modified acknowledgment, than had been before prescribed, was accepted. In concluding the correspondence on this matter, it was observed in the letter of the Government Secretary to Mr. Buckingham: "The rules framed for the guidance of the editors of newspapers, when they were relieved from the necessity of submitting the papers to the revision of an officer of Government, were in themselves so reasonable, and obviously suitable to the circumstances of this Government, and to the state of society here, as to warrant the expectation of their general spirit being observed, even if they had not been officially prescribed. Independently of other injurious consequences to which an injudicious or perverted use of the discretion vested in the editors of newspapers may lead, it has a manifest tendency to raise a question as to the expediency of the liberal measures sanctioned by Government with regard to the press, and to lead to the revival of those restrictions, which common prudence on the part of the editors would render altogether unnecessary."

Complaint by a Company's officer (inserted in the Calcutta Journal) of the rate of exchange at which the troops in the Nizam's country are paid.

In February 1820 a letter was published in the Calcutta Journal, complaining of the rate of exchange at which the troops in the Nizam's country were paid. Mr. Buckingham having been called on for the name of the author, he gave that of Lieutenant J. Smith, of the 22d Madras Light Cavalry, stationed at Jaulnah. This information was communicated to the resident at Hyderabad, who had drawn the attention of Government to the letter, but it does not appear that any steps were taken in consequence of the communication by the resident.

Attack on the Bengal Government, in a letter signed "Æmulus," which appeared in the Calcutta Journal.

In November 1820, a letter, under the signature of "Æmulus," having appeared in the Calcutta Journal, headed "Merit and Interest," and the Government having regarded it as a production of a very offensive and mischievous tendency, desired the opinion of the Advocate-general as to the probable issue of a legal prosecution, if instituted against the publisher. The Advocate-general stated his opinion, that the letter in question was a libel on the Government and administration of the country, not only highly offensive in its terms, but mischievous in its tendency, and encouraged the measure of prosecution. A prosecution was accordingly resolved on. Mr. Buckingham, on hearing of this determination, implored the compassion of Government; but he was informed that Government saw no reason for staying the proceedings which had been commenced against him. Mr. Buckingham having subsequently, however, addressed a letter to Lord Hastings, disavowing the opinions expressed in the offensive letter, and praying that the prosecution might be abandoned; and this letter having been communicated by his Lordship to the Council of Government, Mr. Buckingham was informed that the prosecution would be waved, on condition that no opposition should be made by his counsel to the motion for a criminal information against him, and that he should address a letter to the Government, comprehending, in unequivocal and distinct terms, the professions contained in his letter to Lord Hastings. These conditions having been complied with, the prosecution dropped.

Attack on the Government, in a letter signed "A Young Officer," in the Calcutta Journal.

In the same month (November 1820) there appeared in the Calcutta Journal, a letter headed "Military Monopoly," and signed "A Young Officer," the tenor of which was considered highly objectionable. Mr. Buckingham, on being applied to, gave up the name of the writer, viz., Lieutenant Edward Fell, 2d battalion, 10th Regiment of Native Infantry, who was severely reprimanded by the Commander-in-chief.

Attack on the Government in the Calcutta Journal for circulating, post-free, the prospectus of a new paper, called "John Bull in the East."

In July 1821, there appeared in the Calcutta Journal of two days consecutively, paragraphs respecting the circulation, post-free, by Government, of the prospectus of a new paper, called "John Bull in the East." These paragraphs having attracted the attention of Government, were referred to the Advocate-general for his opinion, whether they contained fit matter for prosecution: but Mr. Spankie did not think it a case in which it would be advisable to institute legal proceedings.

Attack on the Bishop of Calcutta, in the Calcutta Journal.

In the same month, the Bishop of Calcutta preferred a complaint to Government, founded on an article which had appeared in the Calcutta Journal, containing a charge against him of encouraging and upholding the clergy in the neglect of their most solemn duties. The editor of the Calcutta Journal, having been called upon to state the name of the author, replied that the author was unknown to him, and that he had been induced to publish the article by a conviction that a temperate and modest discussion of the inconveniences likely to result from a want of proper control over military chaplains, might be productive of public benefit. Mr. Buckingham was severely reprimanded for this fresh offence, and informed, that, the commission of any new misdemeanor, affecting the authority of Government,

or tending to disturb the tranquillity and comfort of the community, would be followed, without any previous discussion, by the annulment of his licence to reside in India, and by an order for his immediately leaving the country. In the letter addressed to Mr. Buckingham on this occasion, is the following remarkable passage: "When certain irksome restraints which had long existed on the press in Bengal, were withdrawn, the prospect was indulged that the diffusion of various information, with the able comments which it would call forth, might be extremely useful to all classes of our countrymen in public employment.

"The just expectations of Government have not been answered. Whatever advantages have been attained, they have been overbalanced by the mischief of acrimonious discussions spread through the medium of your Journal. Complaint upon complaint is constantly harassing Government regarding the impeachment which your loose publications cause to be inferred against individuals," &c. &c.

A long letter from Mr. Buckingham, defending the mode in which his Journal was conducted, with reference to the doctrine laid down in the Governor-general's answer to the Madras Address, and setting forth the ruin to which he was exposed, and against which it was utterly impossible for him effectually to guard, by the threatened determination of the Government to send him out of the country, should he again incur its displeasure, produced no change in its sentiments and resolutions.

In November 1821, there appeared a series of articles in the Calcutta Journal, which, in the opinion of Government, displayed a deliberate design to obstruct the course of justice, in the case of an indictment for a libel, which had been found against the editor of that newspaper. The Advocate-general, having been applied to for his opinion and advice, pronounced the articles in the highest degree illegal and mischievous, and advised an application to the Supreme Court for a criminal information against the editor of the paper. The criminal information was applied for and refused; one of the judges (Sir Francis McNaughten,) doubting the power of the Court to grant an information, and the other two judges being of opinion that it was a case in which it would be more proper to proceed by indictment.

Supposed attempt by the editor of the Calcutta Journal to obstruct the administration of justice.

The application of the Advocate-general to the Supreme Court produced a violent article in the next Calcutta Journal, headed "Freedom of the Indian Press," of which the following is an extract:

Attack on Lord Hastings in the Calcutta Journal.

"Such is the boon of a free press in Asia, with which the world has rung for the last three years; and the praise of those who knew not what awaited it, is not even yet at an end. Such is the salutary control of public opinion on supreme authority, and the value of a spirit, to be found only in men accustomed to indulge and express their honest sentiments."

The words in the latter part of the extract are taken from the Governor-general's answer to the address of the inhabitants of Madras in 1819. Mr. Adam drew the attention of his colleagues in council to this passage, as a grossly offensive and personal attack upon the head of the Government, and as tending consequently to weaken his authority, and bring his administration into contempt. On this occasion, the several members of council recorded minutes, declaratory of their sentiments; and those of Mr. Adam (who opened the discussion) and of the Governor-general are particularly deserving of attention. "That the seeds of much mischief," (says Mr. Adam,) "have been already sown by the writings of the editor of the Calcutta Journal, and those also, who to their own disgrace, and to the signal failure of their duty to the Government and the Company, have combined to support him in his career of insolence and audacity, is, I fear, the case; and though I trust the evil has not spread so wide as to be beyond correction, I cannot contemplate its continued progress without serious alarm, and the strongest conviction that it is the duty of Government to interfere to check it by the application of the powers which the law has placed in its hands, for its own security, and the welfare of the community over which it presides." Mr. Adam did not advise resorting to the exercise of this power, until the result of certain other proceedings against Mr. Buckingham, in the Supreme Court, should be known; adding, however, that he "never had any confidence in appeals to a court of law, as a means of checking the excesses of the press."

Mr. Adam described Mr. Buckingham in the same minute, as "merely the ostensible organ of a party which was arrayed against the Government and the peace of the community." "That such a party exists," he proceeds, "is undoubted, though it is difficult to conceive the motives by which its members are influenced. Little will be effected if that combination is not broken, nor is it tolerable that the servants of the Government, and men living here under its licence and protection, should band themselves against it, and act in declared and systematic defiance of its authority. A more direct reference to the known leaders of this faction is not called for at the present moment; but should it become necessary hereafter, I will not shrink from the duty imposed on me." Further on, Mr. Adam observes: "We must carefully discriminate the effects of such a procedure in England, and in a society, and under a Government so peculiarly constituted as that of India. It is too trifling and obvious to require remark, that what may be wisely and safely treated with neglect there, may produce the most deplorable consequences here."

The Governor-general declared in his minute, that "he saw as distinctly as Mr. Adam did, the seriously hurtful effects which must be produced among the young officers of the Honourable Company's army, and even among many inexperienced civil servants, by continued instigation, calculated to excite in them the notion that they, and not the legitimately established members of Government, are the competent and proper judges of what

is expedient for the maintenance of the British interests in India. The regulation of European society in a country so peculiarly circumstanced as this is, must be acknowledged by every one as of primary importance towards the security of our tenure; and I fully subscribe to the observation of Mr. Adam, that a class of observations which, though censurable, are attended with little inconvenience in England, may here cause most dangerous impressions." The Governor-general did not therefore differ from Mr. Adam in principle, although he was averse to the exercise of the authority with which the Government was intrusted by law, of sending a person like Mr. Buckingham out of the country, unless the infliction of such a penalty was not only rigidly demanded, but "the necessity for it broadly visible." His Lordship admitted the existence of a knot of persons at Calcutta, constituting a little confederacy, of which Mr. Buckingham was the tool, and alluded, in terms of incredulity, to information which he had received, that a subscription had been entered into, for the purpose of supporting Mr. Buckingham under the pending prosecutions. "Were the fact substantiated," his Lordship adds, "I could not but hold such an avowed prejudication of the case in the light of a highly culpable attain to the administration of justice, and an indefensible disrespect to this Government. With that sentiment regarding the measure, I should certainly feel myself bound to concur in visiting it with the most decisive castigation." Mr. Fendall, in his minute, observed, that "the general tenor of Mr. Buckingham's publication must have a very baneful effect upon the minds of the dissatisfied and younger part of the service, and which, sooner or later, must be met by its proper punishment." Mr. Stuart, having only lately returned from the Cape, and being but imperfectly acquainted with the transaction under discussion, reserved his sentiments until the question might be revived in a more definite shape.

Dated 19 July 1892.

A letter has just been received from the Bengal Government, in which the attention of the Court is drawn to certain proceedings of the Governor-general in Council, in May last, in consequence of a letter signed "A Military Friend," which was published in the Calcutta Journal on the 17th of that month, and which the Government was of opinion could not be passed over with any regard to its own dignity, or authority, or the interests of the public. Mr. Adam having brought this letter to the notice of the Council, Mr. Buckingham was called upon to state, for the information of Government, the name, designation and address of the writer. Mr. Buckingham, after some hesitation, declared Lieut.-colonel W. Robison, commanding His Majesty's 24th Regiment of Foot, to be the author of the offensive letter.

This information having been obtained, Mr. Adam recorded a minute, in which, after animadverting on the mischievous tendency of this and some other articles which had lately appeared in the Calcutta Journal, submitted the following resolutions for the adoption of the Council Board:

"1st. That Lieut.-colonel Robison be removed from the command of his regiment, and directed to proceed to England, to await the final judgment of his Royal Highness the Commander-in-chief.

"2d. That this resolution, and the causes of it, be published to the army in general orders, with observations and injunctions to the effect stated in Mr. Adam's minute.

"3d. That Mr. Buckingham's licence to reside in India be withdrawn, and that he be desired to embark for Europe within a time to be limited."

In these propositions Mr. Fendall and Mr. Bayley expressed their entire and cordial concurrence.

The Governor-general, conceiving the punishment proposed to be inflicted on Mr. Buckingham to be too severe for his offence, seeing that he had given up the author of the obnoxious letter, and addressed two letters to his Lordship, which his Lordship considered to give satisfactory assurance of his better behaviour in future, negatived Mr. Adam's third proposition by his single dissentient vote, under the powers vested in the Governor-general by the provisions of the 33 Geo. 3, c. 52, s. 47.

The other two propositions relating to Lieutenant-colonel Robison were adopted, in the following modified form:

"*Resolved*, That a letter, under the signature of 'A Military Friend,' published in the Calcutta Journal of the 17th instant, is a gross insult to the Honourable Company's Government, falsely and slanderously asserting that divers abuses and oppressions were permitted by that Government, until they were exposed in the above newspaper, and encouraging the thoughtless to represent grievances through that channel, with all the distortions which inexperience, misapprehension or malignity may prompt, instead of resorting to the legitimate sources of redress, where the grounds of the complaint would be justly measured.

"*Resolved*, That as the editor of the Calcutta Journal has acknowledged Lieutenant-colonel W. Robison, of His Majesty's 24th Regiment, to have written the letter in question, and to have sent it to him (the editor) for publication, the Governor-general in Council must deem it inexpedient for the interests of the Honourable Company, that the said Lieutenant-colonel W. Robison, unless he can disprove the charge so made against him by the editor of the Calcutta Journal, should be placed in any situation where an important trust may devolve upon him.

"*Resolved*, That the above opinion be communicated to the Commander-in-chief, and that his Excellency be requested to act in consonance to it."

The Commander-in-chief caused the Resolutions of Government to be communicated to Lieutenant-colonel Robison, but wishing to observe as much delicacy as possible towards him, sent him a leave of absence of 18 months, with the intention that he should precede

his regiment to England. He was, however, apprised, that the Commander-in-chief would not permit any hesitation or delay in the fulfilment of what Government had prescribed. Instructions were at the same time sent to Lieutenant-colonel Adams, his commanding officer, directing him to question Lieutenant-colonel Robison upon honour, whether he was or was not the author of the obnoxious letter. In the event of Colonel Robison's declaring that he was not the author, all further proceedings were to be suspended and the denial was to be reported to head-quarters. On his admitting himself to be the author, or declining to answer, he was to be asked, whether he meant to act on his leave of absence. In case of his availing himself of it, he was to be allowed two or three days to prepare for his departure; but in case of evasion or hesitation, Lieutenant-colonel Adams was directed to order him to quit the cantonment forthwith, and to proceed straight to Calcutta; and in case of non-compliance, to arrest him for disobedience.

On receiving the communication of the Resolutions of Government, Lieutenant-colonel Robison addressed a violent letter to the Chief Secretary, which determined the Commander-in-chief to bring the Lieutenant-colonel to a court-martial at Bombay, whither he had proceeded.

We particularly solicit your attention to the letter from the Governor-general in Council, in the public department, dated 19th July last, with its enclosures.

We have thus given a short summary of the excesses of the Calcutta periodical press, during a period of upwards of 30 years, down to the date of the latest information which has been received, accompanied with a detail of the measures, both of regulation and punishment, by which they have been met by the Bengal Government.

We now proceed briefly to trace the course of proceeding at the other two presidencies in regard to the press, with the circumstances which influenced it.

On the 12th October 1791, the directors of the Danish East India Company at Tranquebar complained to the Madras Government of "an insertion in the Madras Courier of the 29th preceding," which placed their Company "in a very prejudicial light to the public," and requested that the offensive paragraph might be contradicted under the authority of Government. On referring to the publication complained of, it was discovered that it had been inserted among other extracts from English papers, and had not originated with the editor of the Courier. It was therefore suggested to the Danish Government to prepare a counter-statement, which was accordingly done; and it was inserted in the Courier by order of the Governor in Council of Madras.

Abuses and regulations of the press at Madras.

Complaint of the Danish East India Company against the editors of the Madras Courier.

About the same time Mr. Landon, a civil servant of the Company at Madras, complained to the Government of a libel on him, which had also appeared in the Madras Courier, under the title of "A Chinese Anecdote." Mr. Abbott, the ostensible editor of the Courier, was immediately called upon to explain how the publication in question was received, and from whom, with his reasons for allowing the insertion of it in his paper. In reply, he referred the Government to Mr. James Stuart Hall, as the real editor of the Courier, who, when applied to, disclaimed all idea of the publication in question having been designed to reflect on any individual, and expressed his readiness to insert any counter-publication that the Government might direct; but he omitted in his letter to state who was the author of the offensive paper. Mr. Hall's answer being referred to Mr. Landon, with a desire that he would state whether the explanation was satisfactory to him, and with an assurance that Government would order the editor to insert any paragraph he might think necessary, in order to do away the unfavourable impression the publication might have made, Mr. Landon particularly adverted to the omission, on the part of Mr. Hall, to name the author, and submitted the form of such an apology as he considered necessary to the vindication of his character. Upon receipt of this letter, the Government again called upon Mr. Hall to give up the author, which he solemnly declared his inability to do, asserting that he knew not from whom the paper was received, and repeating his assurances that he had no suspicion of its libellous tendency at the time of its publication. He was, therefore, ordered to insert an apology in his next paper, containing a statement to the foregoing effect.

Libel on Mr. Landon, a civil servant, published in the Madras Courier.

On the 2d April 1795, the first number of a paper, called "The India Herald," was published at Madras, (without the authority of Government,) by a Mr. Humphreys, an unlicensed person, who, it appeared, had distributed it gratis. It appears also, that he had made an application, in September 1794, to be allowed to publish a paper at Madras, which was refused.

Case of Mr. Humphreys, the editor of the India Herald.

The above paper having contained several gross libels on the Government and on the Prince of Wales, it was resolved (the opinion of the Attorney-general having been first taken as to the legality of the proceeding) to arrest and send Mr. Humphreys to England, under the Act 33d of the King, as an unlawful trader. He defeated this intention, however, by effecting his escape from the ship on which he was embarked.

The conduct of Government towards Humphreys was entirely approved by the Court of Directors.

On the 12th December 1795, the editor of the Madras Gazette was prohibited from publishing copies of the general orders of Government, until they had been submitted for the inspection of the Military Secretary.

Publication of Government general orders, previously to their inspection by the Military Secretary, prohibited.
Imposition of the Censorship.

On the 29th June 1799, it was determined that all newspapers should be submitted to the inspection of Government previously to their publication.

Special prohibitory orders issued to the editors of newspapers.

On the 30th November 1799, the editors were desired not to print or publish any paper, of whatever description, relative (directly or indirectly) to the orders of the Government, or to the affairs of the army; unless such paper should have been previously submitted to the consideration of Government.

In July 1807, the Bengal Government having requested that an order might be issued to the editors of the Madras papers, prohibiting them from publishing naval intelligence (except such as should be previously sanctioned by Government), an order to the editors was issued accordingly.

Managers of the printing presses at Madras ordered not to publish any book or paper without the previous sanction of Government.

In August 1807, the Madras Government received from Sir Henry Gwillim, one of the judges of the Supreme Court, a printed copy of a charge which he had delivered to the grand jury at the preceding sessions, containing, as it was conceived, an attack upon the Government. On receipt of this paper, Lord William Bentinck recorded the following minute: "It is necessary, in my opinion, for the public safety, that the press in India should be kept under the most rigid control. It matters not from what pen the dangerous matter may issue; the higher the authority, the greater the mischief. We cannot prevent the judges of the Supreme Court from uttering in open court opinions however mischievous; but it is in our power, and it is our duty to prohibit them from being circulated through the country by means of the press. Entertaining strongly this sentiment, I would recommend, that the order of Government may be given to all proprietors of printing presses, forbidding them, upon pain of the utmost displeasure of the Governor in Council, to print any paper whatever without the previous sanction of the Governor in Council, communicated by the Chief Secretary."

A circular letter was accordingly addressed to the proprietors of the several printing presses at Madras, calling upon them to state whether they had printed the offensive charge; in reply to which the agent of the Madras Gazette acknowledged that the charge had been printed at the Gazette printing-office, at the request of the grand jury, adding, that he was not aware of having "acted inconsistently with former usages," and that nothing could be further from his intention, than, in any respect, to disobey the orders of Government. The superintendents and managers of the several printing presses at Madras were, on receipt of this letter, desired, as recommended by the President, not on any account to publish any book or paper which might be sent to them for that purpose, without having previously obtained the sanction of the Government.

Proceedings of a Court-martial forbidden to be published.

In January 1808, the manager of the Madras Monthly Journal Press was refused permission to publish the proceedings of the court-martial on Lieutenant J. H. Close, of His Majesty's 25th Regiment of Light Dragoons, of which he had received a copy from that officer, attested by the acting Judge Advocate-general.

Editors of the Madras newspapers ordered to contradict an erroneous statement respecting a French officer which had been published in the Madras Courier.

Special prohibitory orders issued to editors of newspapers.

In the Madras Courier Extraordinary, of the 29th March 1808, there appeared an account of the action between the British frigate *St. Fiorenzo* and the French frigate *La Piedmontaise*, which terminated in the capture of the latter; containing some unmerited reflections on the conduct of the French commander, Captain Eperon, towards two British officers who had been his prisoners. This statement was contradicted by the governor of Ceylon, in a letter which he directed his secretary to address to the secretary to Government at Madras; and orders were, in consequence, immediately issued by the latter Government to the editors of all the newspapers to publish the contradiction. They were at the same time again desired to abstain from all observations of a nature injurious to the characters of public officers and private individuals; and further, to avoid generally the insertion of any articles of intelligence that might be connected with public affairs in India. The injurious statement respecting Captain Eperon was contradicted in the Madras Gazette of the 13th of April.

Trial of Royya Reddy Row and Anunda Row not allowed to be published.

In January 1809, the Madras Government refused to comply with a request of Messrs. Abbott and Maitland, for permission to publish the trial of Royya Reddy Row and Anunda Row.

Address of some of the gentlemen of the Supreme Court at Madras to Sir Henry Gwillim, and reply of the latter previously to his embarkation for Europe, not allowed to be published.

A few days after the embarkation of Sir Henry Gwillim, on his return to England in 1809, a proof of one of the newspapers was submitted to the Secretary to Government in the usual form, containing an address to Sir Henry from some of the gentlemen attached to the Supreme Court, with his reply. These papers, of which no copies were retained, are described as having been of the most exceptionable character; and their publication was prohibited by authority of the Government, against whose decision Mr. Marsh, a barrister of the Supreme Court, and the agent of Sir Henry Gwillim, made a strong but ineffectual remonstrance.

Editor of the Madras Courier censured for not having submitted his paper to the inspection of Government previously to publication.

In 1816, intelligence (which afterwards turned out to be false) was inserted in the Madras Courier, of the loss of His Majesty's ship *Cameleon*. Of this, and some other paragraphs, calculated to wound the feelings of the officers of His Majesty's squadron, and their friends and relations, Captain Weir, the senior officer on the Madras station, complained to Government, which passed a strong censure on the editor, for having neglected to submit the paragraphs complained of for revision.

Insertion of literary, scientific or miscellaneous articles in the Madras Advertiser prohibited.

In 1817, the editor and proprietor of a paper, called "*The Commercial Circulator*," who had been prohibited from publishing any literary, scientific or miscellaneous articles, complained that a newly established paper, called "*The Madras Advertiser*," published articles of this description, and requested either to be allowed the same indulgence, or that the prohibition

hibition should be extended to his competitor. Orders were, in consequence, issued by Government, that the Advertiser should in future confine itself to the same articles of intelligence as the Circulator.

In 1818, the editor of the Madras Gazette was called to account for having advertised a French government lottery at Pondicherry.

Editor of the Madras Gazette censured for having advertised a French government lottery at Pondicherry.

In 1819, the Chief Secretary, who exercised the functions of censor of the press, expunged, in a proof-sheet of the Madras Courier, a long political article on the affairs of Spain, of which the editor complained in terms which were deemed indecorous; but on his disavowing any intentional disrespect, the disavowal was accepted.

Complaint of the editor of the Madras Courier of the conduct of the Censor.

In the same year, a proof-sheet of the Madras Gazette Extraordinary, containing an account of the proceedings of a meeting of the inhabitants of Madras, held at the Exchange on the 26th May 1819, for the purpose of addressing the Governor-general, having been submitted to the Chief Secretary, he refused to sanction the publication. The editor of the Gazette sent in a representation against this refusal, pleading the accuracy of his report, and the impossibility of preventing the publication; but the Government saw no reason for calling in question the propriety of the mode in which the Chief Secretary had exercised his discretion in the instance in question.

Account of the proceedings of the meeting of the inhabitants of Madras, held on the 26th May 1819, for the purpose of addressing the Governor-general, not allowed to be published.

In June 1820 Governor Elliot, before resigning the government of Madras, recorded a minute, in which, with reference to the state of the Indian press, he expressed himself as follows:

Minute of Governor Elliot on the state of the Indian press.

"I have been subjected to much scurrility and personal abuse in the public prints, which have found protection and encouragement at Calcutta, in conjunction and in unison with certain descriptions of persons within this presidency, who are desirous of emancipating themselves from the operations of the censorship of the press.

"Their principal objects have been to disseminate the worst political doctrines of the times, to bring the constituted authorities, both in Europe and in Asia, into contempt, to spread feuds in private society, and to provide profits for lawyers from prosecutions of libels in courts of justice.

"The resistance for some time made here to such attempts, by maintaining the censorship over the press, has drawn down upon me the abuse of the ill-disposed. I trust, however, the authorities in Great Britain, whom I respect, and whose approbation I am ambitious to obtain, will not be misled by these base attempts, proceeding from such contemptible sources.

"It is not at this board that I am called upon to discuss subjects connected with the use or abuse of what is styled a 'Free Press.' It will be perfectly sufficient for me to observe, that when I assumed the reins of government I found the press subjected to the control of an official censor, in the person of the Chief Secretary. Whatever my private sentiments may be on this subject, I thought it my duty not to allow any change to be forced upon me, as far as it was in my power to prevent it, in a concern of such vital importance to the interests of the East India Company in Asia, without the previous orders of my Honourable Employers.

"Upon this principle, as a faithful servant, I have submitted in silence to the malevolence of faction; and I now throw myself entirely upon the liberality of the Honourable Court for my justification."

The Madras Government, in a late political letter to the Court, dated 19th July 1822, have particularly recommended to the Court's attention a minute of Sir Thomas Munro (in which the other members of Council unanimously concurred), containing his sentiments on the danger to be apprehended from a free press in India.

Minute of Sir Thomas Munro on the Indian press.

In June 1791 the editor of the Bombay Gazette promised to pay attention to every order of Government respecting publications in that paper.

Abuses and regulations of the press at Bombay.

On the 28th September 1791 some severe comments were made in the same paper on the state of the police, which were considered to reflect unjustly on Mr. Anderson, the deputy of police (who had previously complained to Government): The Government, in consequence, expressed its disapprobation of the insertion of the objectionable paragraphs, and desired the editor in future to send the proof-sheets of his paper to the Secretary, for the inspection of Government.

Editor of the Bombay Gazette directed to submit the proof-sheets of his paper to Government previously to publication.

In October 1791 the editor of the Bombay Gazette requested that his paper (like the Madras Courier) might be officially and exclusively authorized by Government, promising, in that case, that no insertion should appear therein unauthorized by the Secretary to Government (to whom proofs were to be sent previously to publication). This request was complied with, and the paper denominated the "Government Paper."

Bombay Gazette exclusively authorized by Government, and denominated the "Government paper."

"The Bombay Herald" having inserted a passage, purporting that Lieutenant Emmitt, then at Poona, was prosecuting his surveys, it was thought that the promulgation of such an object might be attended with inconvenient consequences; the editor was therefore sent for, and directed in future to send the proof-sheet of his paper to the Secretary, for the inspection of Government, according to the rule observed by the editors of the other papers.

Proof-sheets of the Bombay Herald ordered to be submitted for the inspection of Government previous to their publication.

Exclusive patronage of Government conceded to the proprietors of the Bombay Gazette.

In September 1792, the proprietors of the Bombay Gazette represented the heavy expenses they had incurred, in order to render their paper subservient to the purposes of Government, and the numerous difficulties they had had to encounter. On these grounds they solicited the exclusive patronage of Government. Their request was complied with, and a declaration ordered to be published, that the insertion in the Bombay Gazette of the Board's orders and resolutions was to be considered a sufficient notification thereof to any servant of the Company.

Proprietor of the Bombay Gazette censured.

In July 1802, the proprietor of the Bombay Gazette was censured for inserting the advertisement of an intended publication of the trial of Mr. Bellasis for murder, and directed to make a public apology for the same in his next paper, on pain of forfeiting the Company's protection, and of an immediate stop being put to his press.

The proprietor expressed his regret for the insertion of the advertisement, which he said had been sent to the office by one of the advocates employed in the cause, with the alleged concurrence of the parties concerned, and an apology was afterwards inserted in the Gazette, in obedience to the orders of Government.

The advocate strongly objected to the insertion of the apology, in which it was stated "that the work advertised was compiled under the influence of individual prejudice." The editor, in reply, stated, that Government insisted on the insertion of the apology, as it originally stood, and that therefore he must insert it.

In December 1804, Mr. Hallet, the editor of the Bombay Courier, proposed to Government to resign the management of that paper to Messrs. William Erskine and Edward Nash, and the proposition was accepted.

Apology made by the editors of the Bombay Courier.

The new editors had almost immediate occasion to apologize for the insertion, in their paper, of an article which had not received the previous sanction of Government.

Second apology of the editor of the Bombay Courier.

In January 1805, the editor of the Bombay Courier apologized for having, from press of time, inserted an article without having previously submitted it for the inspection of Government, and promised not to offend in like manner again.

Special prohibitory orders issued to the editors of newspapers.

In July 1807, the editors of the Bombay papers were directed (in obedience to the instructions of the Supreme Government) not to publish articles of naval intelligence, except such as should be sanctioned by Government.

Transfer of papers to new proprietors without the assent of Government, prohibited.

In 1810, Mr. Fearon having signified to the Chief Secretary that the Bombay Gazette had been transferred to him by Mr. Macklin, it was notified to Mr. Macklin that he should not have made the transfer without the assent of Government.

Advertisements of sales intended to take place on Sundays forbidden to be inserted in the Bombay Courier.

On the 29th December 1811, Government ordered the editor of the Courier to be informed, that an advertisement in that paper of a sale of certain premises on a Sunday was considered extremely objectionable; they, therefore, directed him in future to refuse admission to advertisements of sales intended to take place on Sundays.

Removal of the censorship.

In December 1819, the regulations established in 1818, for the conduct of the press in Bengal, were introduced at Bombay; but in the minute proposing this measure, Mr. Elphinstone recommended "that the warning regarding the measures to be adopted in case the regulations were infringed, should be so strong and explicit, as to justify prompt and severe examples if those regulations should be disregarded."

General result of the foregoing review.

From the foregoing review it appears that, from 1791 to 1799, the Bengal Government limited its interference with the press in India, in cases of venial offences, to expressions of its disapprobation, and to requisitions of apologies from offending editors; that, in two cases of aggravation, it exercised the power with which it was invested by law, of sending the offenders to England; and that, in one instance, it suspended the offending party from the Company's service; that the Calcutta press was subjected to a censorship in 1799, and remained subject to that check till 1818; and that during that period no case had occurred which it was found necessary to visit with the severe displeasure of Government; that the censorship was removed in 1818, and that instead thereof rules were laid down for the conduct of editors of journals; and that ever since the restrictions then imposed have been set at nought, and the Government has been involved in an almost constant but unsuccessful conflict with an individual editor, it having failed in one prosecution, and declined exercising its power of sending him home, because of other prosecutions which have been instituted against him in the Supreme Court. It further appears that one instance had occurred, previously to the introduction of the censorship at Madras, in which the Government had found it necessary to order an editor of a paper to Europe; that the censorship has not yet been removed by the Madras Government; and that at that settlement, so far as is known, the local press causes neither uneasiness to Government nor disturbance to the community; but that the Madras Government, with reference to what has been done elsewhere, and to the general agitation of the question, have lately represented to the Court, in the strongest terms, the impolicy and danger of liberating the press from the most absolute control. And, lastly, it appears that at Bombay, where the censorship was imposed as early as 1791, no case had occurred under its operation against which the Bombay Government thought itself called upon to proceed with severity; but that in December 1819, the censorship was taken off, and that the same regulations for the conduct of the press were established at Bombay as in Bengal.

We fear that the foregoing detail may have been found somewhat tedious (more particularly

Political letter from Madras, 19 July 1822.

larly as the proceedings which have been adverted to are given at length in the accompanying Appendix); but we have been desirous, in the summary which has been given, to lay a groundwork of facts for the considerations which we are now about to submit.

The advocates for a free press in India rarely express themselves with much discrimination or precision; but it is to be supposed that, by a free press, they mean the right of every individual, Native as well as European, publicly to discuss every subject, political, moral and religious, with as much freedom as is done in this country. It is to be supposed also, that, in pleading for this degree of freedom, they are actuated by a conviction that much benefit will result from it, either to the European or to the Native part of the population, or to both; and that this benefit may be obtained without danger to the Government, or risk to the connexion between India and Great Britain.

What is meant by freedom of the press in India.

The European population of British India consists of three classes; the civil and military servants of the Company, and the officers and soldiers belonging to His Majesty's and the Company's European regiments stationed there; the members (not numerous) of mercantile houses and European shopkeepers established chiefly at the three presidencies, and a class of adventurers who have gone thither with or without permission, many of whom are ready to embark in any pursuit which offers the prospect of affording a livelihood:

Indian population, how divided.

1st. With respect to the civil and military servants of the Company, and King's officers and soldiers, the duty at all times incumbent on them of supporting the Government, and setting an example of alacrity in its service, and prompt obedience to its orders, is wholly incompatible with the right of canvassing its measures. In no country is the military a deliberative body, and, as respects the civil service, there can be no greater absurdity than to constitute the subordinate officers of Government censors of the public acts of their superiors. The opportunity, however, which a free press would afford to every one of stating his grievances, and of giving vent to his dissatisfaction, would probably serve as a trap to the inexperienced and unwary in both branches of the service; and young men, who imagined that they had cause to complain, either of their immediate superiors or of the Government, would be tempted to come forward with an exposition to the public of supposed slights and injuries. The want of society in many situations would favour this disposition to complain, and hence there is reason to apprehend the prevalence of a practice which would be quite fatal to the discipline of the service, and, in cases of detection, to the interests of the individuals resorting to it. It appears from the summary of facts already given, that, in 1798, before the imposition of the censorship, a military officer was compelled to quit the service for publishing a letter in a newspaper; that, in 1820, since the removal of the censorship, another military officer was severely reprimanded by the Commander-in-chief; and that only a few months ago a lieutenant-colonel in a King's regiment was ordered home for the same offence. Indeed, the following general orders, published in the Calcutta Gazette of the 13th June last, show that the practice in question has, unfortunately, already become too common:

A free press could not benefit the civil and military servants of the Company.

"Head-quarters, Calcutta, 8th June 1822.

"The Commander-in-chief has observed, with great dissatisfaction, a practice indulged by officers, or by persons assuming that character, of addressing anonymous complaints to the public, through the newspapers, respecting imagined professional grievances. It is visible the reader cannot assure himself that any particular case so stated is not fallaciously represented, through the inexperience, the miscomprehension, or the perverse views of the writer; consequently, the appeal is essentially devoid of any possible utility. But it is obvious that in this procedure the legitimate sources of redress are neglected, so that the purpose must be to give a general impression of inattention, oppressiveness or injustice in those with whom the superintendence of such concerns is lodged. The extreme mischief and improbity of these endeavours have probably not been perceived by the writers, whom the Commander-in-chief is willing to regard as having yielded only to a momentary inconsiderateness. The habit, however, of an officer's thus casting off his just and requisite dependence on his military superiors must not be permitted. The Commander-in-chief, therefore, in the strictest manner, prohibits officers from sending to the newspapers any such anonymous representations as are above described. Should a letter of that nature henceforth be traced to any officer (and means will be taken to make the discovery almost inevitable), the Commander-in-chief will immediately submit to the Governor-general in Council the necessity of suspending the individual from duty and pay, while a solicitation is made to the Honourable Court for his entire removal from the service."

2d. It is not less difficult to perceive what benefit could accrue from a free press to the class of respectable European merchants established in India, whilst it is easy to see why this, in common with other classes, have an interest in the press being subjected to proper regulations. Their time is much occupied with business; and the taste for political intelligence, where it exists, may find the ready means of gratification in the perusal of English newspapers and other periodical works. The social circle in which they move, being circumscribed, is easily disturbed, and in such circumstances every thing, whether in the shape of personal allusion or of general remark, tending to create political differences, produces a degree of uneasiness and agitation, of which it is difficult for persons living in an European capital to form an adequate conception. It is no answer to this, to say that the evil will carry its own remedy along with it, and that few persons will continue to subscribe for publications which disturb the harmony of society. The passions of men, taken in the

A free press would not be desirable for the European merchants.

aggregate, are too strong for their reason, and every day's experience shows that, though there is not a less defensible, there is not a more effectual, mode of giving extensive currency to a journal than by enlisting on its side the worst propensities of our nature.

A free press would be dangerous in the hands of European adventurers.

3dly. To the class of adventurers, whether licensed or unlicensed, who are unemployed, whether from choice or necessity, a free press might indeed furnish amusement or occupation. But the taste of such as are idle from choice is not to be consulted, nor is it a matter of public concern to provide for those who proceed clandestinely to India. Persons who go to India with a licence have, in almost all cases, the prospect of obtaining a subsistence in another way; still it is probable that the conduct of the press in India would fall into the hands of this class, were periodical publications to be indefinitely multiplied. To cut off from those already there an employment which they never contemplated, cannot be deemed the infliction of a hardship. To encourage, by new inducements, an influx to India of Europeans not in the Company's service, would be a departure from the policy which has been hitherto observed in maintaining the connexion between the two countries. And, without meaning to speak disparagingly of this class, it is not composed of persons qualified by their literary attainments to conduct the press to advantage; neither is there a sufficient security in their characters against its being converted into an engine of great mischief.

The press in India cannot be monopolized by Europeans.

It would be altogether unfair, and, were it fair, it would be utterly impracticable to confine the liberty of the press in India to works printed in the English language. The fact of four newspapers being now published in Calcutta, in the native languages, all of which have been established since the removal of the censorship on the English journals by the Bengal Government, is a practical proof of the futility of the notion (if such be entertained in any quarter,) of establishing a monopoly of the press in favour of Europeans. It is not to be inferred, however, because the natives will certainly imitate us in free discussion, that they would have set us an example in that way, much less does it follow that they will benefit from the introduction of this novelty. We think, on the contrary, it can be made to appear, that whilst a free native press could be productive of little or no advantage, it might prevent the accomplishment of much good, and occasion infinite mischief.

A free press in India would be injurious, not advantageous, to the native population.

The native population is composed of two classes, the one of mixed, the other of unmixed blood.

Would be a dangerous instrument in the hands of the half-caste.

The descendants of European fathers by native mothers, constitute the first class, or what is generally termed the half-caste. This class, from its rapidly increasing numbers, its physical and intellectual superiority over natives of unmixed blood, and the impediments to its merging in the Hindoo, the Mahomedan or the European population, cannot fail to become (and this at no very remote period) a source of great anxiety to the Government of India. It would not be easy satisfactorily to state all that might be practicable, and at the same time expedient, for improving the condition of this class, and rendering it a useful body in the community. It is much easier to state what ought not to be done in regard to it. All, at least, will concur in this, that nothing should be done to render it dangerous. To avoid this, no facility should gratuitously be afforded to it, either of annoying the Government or of acquiring an ascendancy over the great mass of the native population; and as a free press (already, to a certain extent, in their hands,) would enable the half-caste to do both, nothing is more to be deprecated than giving them unlimited command of the means of compassing these most undesirable ends.

Not suited to the circumstances of the great mass of the native population, and particularly to the nature of the Government.

Considering the question of a free press with reference to the native population generally, it is impossible to come to a right conclusion, without constantly bearing in mind the difference between the character of the Indian Government, and the character of those governments under which freedom of discussion is admissible.

A free press is a fit associate, and necessary appendage, of a representative constitution. Wherever a government emanates from the people, and is responsible to them, the people must necessarily have the privilege of discussing the measures of the government; and wherever the people choose representatives to make laws affecting their persons and property, the right of animadverting on the mode in which this trust is discharged belongs, of course, to the party delegating it: but in no sense of the terms can the Government of India be called a free, a representative or a popular Government; the people had no voice in its establishment, nor have they any control over its acts.

Substitute for a free press in India.

Under a free government the press is at once the organ of expressing, and the instrument of enlightening and influencing, public opinion; but in India public opinion cannot be said to exist. The advantages to the governed produced by public opinion in other countries, under a free government, are in some measure secured to the people of India by a chain of responsibility, and a gradation of checks, extending from the lowest executive officers in the service, through the local Governments and the constituted authorities at home, to the British Parliament, and through the Parliament to the people of England. The Regulations of the Indian Governments, under which taxes are levied and justice is administered, are not only promulgated in India, but are regularly sent home and laid before Parliament. Every communication which takes place in India, upon every public measure, is placed upon record; and complete diaries of the proceedings of the local Governments, in every department of administration, being annually transmitted to the Court of Directors, the fullest information respecting those proceedings, as well as the proceedings at home to which

which they give rise, are at all times accessible to the public of this country, through their representatives in Parliament; and the Indian Government thus become amenable, in the last resort, to a public far more enlightened than the Indian public, and accustomed, by the enjoyment of popular rights, to view with exceeding jealousy measures originating in absolute power.

The Governments in India exercise a delegated authority, derived from the Court of Directors and the Board of Control. The Government of India resides in this country, and is of course responsible to the English public, in common with the Government of England. It is in this country, therefore, and not in India, that its measures are fit to be discussed.

There is, indeed, a wide-spread and deep-rooted opinion in India, to which we owe much of our success, and the extinction of which would portend the approach of great calamity, namely, the opinion entertained by the natives of our vast superiority and irresistible power. This impression, more perhaps than any other cause, has aided the establishment and diffusion of our dominion in India; and the great advantages which have resulted therefrom to the natives, whose situation under the British Government has been pronounced by a Select Committee of the House of Commons, "to be infinitely superior to what it was under their Mahomedan rulers," is justly ascribed by the Committee, "to the vigour, the efficiency, and, if the expression may be allowed, the unity of its authority, which neither acknowledges nor permits divided sovereignty, but which keeps every other power in subordination to its own." But can it be doubted, that the respect of the natives for our authority would be greatly diminished, and the energy of the Government impaired, by a free press? What a change must the native mind undergo, when they see those whom they have been accustomed to regard as the masters of mankind, engaged in exposing their mutual foibles, misinterpreting measures about which they are only half informed, and denouncing delinquencies where none have been committed? What must the natives think of themselves and of us, when they behold that power which has overthrown mighty empires and subjugated great nations, descending to measure its strength with the editor of a newspaper, and baffled and retiring beaten from the conflict? How can a Government devote its energies to the great interests of the State, when it permits itself to be daily harassed and irritated by the attacks of journalists; or, how can it preserve unity and vigour of action when the press becomes at once its rival and opponent?

A free press would tend materially to lower the European character in the estimation of the natives, and diminish the energy of the Indian Government.

Causes, for the most part unavoidable, have been in operation for a series of years, tending gradually to raise the natives in their own estimation, and to lower their opinion of Europeans. The liberal spirit of the British Government, embodied in its institutions, the increase in the number of Europeans residing in India, the disparity in their characters and attainments, and the familiarity occasioned by closer and more frequent intercourse between them and the natives, have doubtless contributed to this change. But as the effect is matter of regret, not of congratulation, it is surely impolitic unnecessarily to assist the silent and almost imperceptible workings of the causes which have produced it, by the application of a new power, better calculated than any other both to magnify and accelerate this result. And if a period could have been selected more unfavourable than another for an experiment, tending in any degree to paralyze the strength of the Government, and to increase its difficulties, it was *that* immediately following a war, ending in an immense extension of territory, and a corresponding accession of new subjects, with whom it has yet to make itself acquainted, and to whom it was manifestly desirable that it should, at the commencement of its rule, exhibit itself in an attitude at once engaging and imposing.

Some well-intentioned persons may be of opinion, that by establishing freedom of the press in India, we should powerfully contribute to improve the moral, intellectual and social condition of the natives. Could we assure ourselves that this would be the certain result, it would undoubtedly be impossible to dissent from the conclusion, that, as it is the first duty of the Government of India to do all the good it can to those who live under it, a free press ought to be employed as an instrument of good.

A free press, instead of promoting the improvement of the natives, would lead to insurrection, and the most fatal consequences.

With such persons it is necessary to come to a proper understanding, as to what is meant by a free press in India. Nobody, we believe, contends for excluding the people of India from a knowledge of moral and religious truth, from an acquaintance with the history of any part of the world, from the benefit derivable from the latest improvements in the arts or sciences, or from any species of useful learning; on the contrary, the Legislature has made provision for supplying them to a certain extent with the means of moral and religious improvement; and the Court of Directors have been, and will always be, most anxious to give effect to and second, by every prudent endeavour, the benevolent intentions of the Legislature. But though newspapers and other periodical works are most numerous where the press is subject to the least restraint, it cannot be admitted that they are the best vehicles of conveying instruction. Very little would be known in a country where there were no other means of obtaining knowledge than periodical journals; and it is easy to conceive a people far advanced in the substantial and useful parts of learning without the ministry of such instructors. Their general aim is to gratify the curiosity rather than to enlighten the understanding; to excite the passions rather than to exercise the reason of their readers. Sir Thomas Munro justly observes, that the grand object of improving the moral and intellectual character of the people of India is not to be attained by "the circulation of newspapers and pamphlets among the natives immediately connected with Europeans, but by spreading education gradually among the people, and diffusing moral and religious instruction through every part of the community." "By mild and equitable government."

government," he proceeds, "by promoting the dissemination of useful books among the natives, without attacking their religion; by protecting their own numerous schools; by encouraging, by honorary or pecuniary marks of distinction, those where the best system of education prevails; by occasional allowances from the public revenue to such as stand in need of this aid; and above all, by making it worth the while of the natives to cultivate their minds, by giving them a greater share in the administration of the country, and holding out the prospect of filling places of rank and emolument, as inducements to the attainment of knowledge, we shall by degrees banish superstition, and introduce among the natives of India, all the enlightened opinions and doctrines which prevail in our own country." Whatever good is brought about in this way, will be effected gradually, so that by observing the progress of knowledge we shall be able to meet it with suitable changes in our institutions. But Sir Thomas Munro truly observes, that ill-judged precipitation, and attempts to effect in a few years what must be the work of generations, may not only frustrate all the benefits which might have been derived from a more cautious and temperate proceeding, but produce general insubordination, insurrection and anarchy. The grounds of this opinion are stated forcibly and at length in the minute of the Governor of Madras, and we doubt not that they will obtain from His Majesty's Government all the attention which is due to them from Sir Thomas Munro's long residence in India, his intimate acquaintance with the native character, and that sagacity of mind which he possesses in an eminent degree. It is impossible to suppose that a foreign government, however strong and beneficent its character, should not be obnoxious in some degree to those who live under it. It is humbling to the pride of the people, and where they differ, as in India, in religion, in language, in manners, in colour and in customs, from those who administer the Government, there cannot be much sympathy or attachment between them. Though the situation of the large body of the people may now be greatly better on the whole, than it was under their native governments, there are not a few, particularly among the Mahomedans, who have suffered from the change. These, we may be sure, will always be ready to avail themselves of any opportunity for retrieving their fortunes, and we know not that they could desire a more efficient auxiliary than a licentious press, labouring daily to extinguish all respect for our character and government in the minds of their countrymen. The tendency and effect of our system has been to beget, in the minds of the people at large, a respect for themselves, and notions of their own importance, which makes the task of governing them a more difficult one than it was when they first came under our rule.

But the delicacy of our situation in India cannot be well understood without special advertence to the circumstance of the Government being dependent in a great degree for its security on a native army, which, though better paid, with reference to the wages of labour, than any other army in the world, contains in its organization some elements of discontent. The exclusion of the natives from its higher ranks must necessarily be a source of heartburning to men of family and ambition; and when a sense of mortification is combined with a spirit of enterprise, their joint workings are not easily daunted or repressed. It may be difficult to retain the fidelity of men of this description, with all the care and caution that can be exercised; but it would appear to be either a lamentable infatuation, or unpardonable rashness, to allow them to be goaded on to revolt, by means over which we possess or may obtain control. Whatever English newspapers are published at the presidency, will naturally find their way to the principal military stations. Many of the native officers can read and understand English, and by means of the native servants of the European officers, it will not be difficult for them to obtain the perusal of those papers, containing a perhaps exaggerated representation of their grievances or an inflammatory incentive to rebellion, which, from their assemblage in garrisons and cantonments, they have better means of concerting than any other portion of the population.

On these topics, however, we think it unnecessary to enlarge, persuaded as we are that when the question comes to be properly understood, the establishment of a free press in India will not be either advocated or desired by any considerable body of men in this country, and much less that it will be countenanced by an enlightened Government. But when the question of the unrestrained liberty of the press is disposed of in the negative, there remains another question to be considered, namely, what restraint ought to be imposed upon it.

What restraints should be imposed on the Indian press.

The law of libel is the same in India, within the jurisdiction of the King's Court, as in England. But considering how very differently in many respects the Government of India is circumstanced from that of England, there are publications safely permitted *here* which *there* would be extremely dangerous. The Government of England, the growth of many centuries, having struck its roots deep in the affections, interests and habits of the people, and being identified with their individual feelings, domestic enjoyments, and social security, stands unmoved by the shock of clashing opinions and the occasional onsets of a small and hostile minority. The situation of the Government of India is widely different. It is a stranger in the land where it wields its sceptre; its authority, but of yesterday, was acquired and is preserved by means apparently very inadequate to the result; and, without the utmost caution as well as vigilance, it may disappear still more suddenly than when it started into being, and rose to greatness. But the law of libel, though the same in London and Calcutta, will operate very differently in the two capitals, as a curb on the licentiousness of the press. In this metropolis the sensation produced on the huge mass of its population by a libel, and the prosecution consequent upon it, when such takes place, is hardly perceptible beyond a very limited range; and the difficulty of finding an impartial jury to decide

decide on the merits of the case, must be proportionately small. On the other hand, in Calcutta, the European inhabitants scarcely exceed in numbers the population of an English village, or small town, and the state of society in the two communities is not very dissimilar. If in such a community a libel is published, scarcely a person can be found who is not more or less connected with the individual libelled (if it be a private libel), or with the author or publisher of the libel; and if a libel on the Government appear, it is not less difficult to find an unbiassed jury to try it. In England, by what is termed changing the *venue*, the trial of an offence can be transferred from a county where strong prejudices are supposed to exist to another county where an impartial verdict may reasonably be expected. But in India it is impossible to resort to this expedient, because the jurisdiction of the King's Court is confined to the three presidencies. Neither has the Company's Advocate-general the power possessed by the King's Attorney-general in this country, of filing criminal informations *ex officio*; and there is even a difference of opinion on the bench at Calcutta as to the power of the Supreme Court to grant a criminal information.

The Bengal Government, after having in vain, and on various occasions, had recourse to admonition, expostulation and censure, in January last, caused legal proceedings to be instituted against Mr. Buckingham, but the Supreme Court refused to grant a criminal information, although the publication for which he was prosecuted had previously been pronounced by the Advocate-general, in his communications with Government, "in the highest degree illegal and mischievous, and an attempt to overawe and disturb the administration of justice." Such, indeed, was Mr. Spankie's opinion of the publication, that he declared "he could not entertain any doubt that a jury would convict the offender, as he could not conceive that any honest man could doubt its criminal intention and mischievous tendency." Whether the proceeding by indictment was subsequently resorted to in that case, the Court are not informed; but it is known, though not officially, that Mr. Buckingham was brought to trial in January last, on an indictment, found against him by the grand jury, for a libel on the Secretaries of Government, and that he was acquitted.

Never until now, so far as appears from the records, have the Indian Governments resorted to prosecutions in the King's Courts for the purpose of checking the licentiousness of the press, because they had within their own power more effectual means of restraining its excesses.

Over their own servants their power is of course complete, and resident Europeans not in the Company's service, the Governor-general, and the Governors of the two subordinate presidencies, have the power of sending to Europe, when they have so conducted themselves as, in the judgment of the Governor-general or other Governors, to have forfeited their claim to the countenance and protection of Government.

53 G. 3, c. 52, s. 132,
133 & 134.
53 G. 3, c. 155, s. 36
& 104.

In the exercise of the powers vested in them, the Indian Governments prescribed to European editors of papers such conditions of publication as appeared to them wise and salutary; and the condition always has been, down to this day, submission on the part of the editors to certain regulations for their conduct in that capacity. Those regulations have at different periods been more or less restrictive; and it has been shown that the submission of the proof-sheets of newspapers to confidential officers of Government for revision previously to publication, formed one of those Regulations in Bengal, from 1799 to 1818; that it was adopted in 1799 at Madras, where it still continues in force, and that it existed at Bombay from 1791 to 1819.

It is to be regretted that the reasons for abolishing this Regulation in Bengal have not been recorded. It has been said that the Government, finding that it could not be enforced against half-caste and other native editors, did not deem it advisable to continue to require submission to it from European editors. But besides its being an insufficient reason for doing away a salutary Regulation, that there was a possible evil which it did not reach, this can hardly have been the ground on which the Government proceeded; because at the very time when this Regulation was repealed, others were framed, which Government could no more enforce against native editors, than it could that which had been abrogated. Neither could it have been the intention of the Bengal Government, by annulling the censorship, entirely to emancipate the press from all restraint; for the Regulations which were then imposed, would, if obeyed, at least as effectually have prevented free discussion as the operation of the censorship.

The inconveniences and advantages of the censorship may be briefly stated as follows: The office of censor is an invidious and troublesome one. To a rigorous performance of the duties belonging to it some odium will ever attach, whilst a negligent performance of these duties produces inconvenience of a different sort. As the time necessary for a careful revision of every newspaper cannot always be spared, paragraphs will sometimes be overlooked which it would be desirable to suppress; and Government becomes in some degree responsible for the contents of newspapers published with its cognizance and sanction.

Inconveniences and
advantages of the
censorship.

On the other hand, experience has shown that as far as its operation can be made to extend, the censorship is a more efficient check than any other upon the excesses of the press. It has also the great recommendation of preventing offences instead of punishing them. Considering that deportation is the only punishment (that which may result from legal prosecution excepted) in the power of the Indian Governors to inflict on the licentiousness of the press, that such a proceeding has an arbitrary character, the Governor who resorts to it acting in the threefold capacity of accuser, judge and executor of his own sentence; that it is a punishment which may be attended with complete ruin to the object of it; that it is not susceptible of any mitigation; in short, that it is the same in all cases,

however

however different be the degrees of delinquency in each, and that, therefore, there must be strong repugnance to resort to it; an expedient preventive of those offences which call for the infliction of such a punishment has claims to peculiar favour.

Indeed, the benefits resulting from the censorship cannot better be illustrated than by a reference to the state of things in Bengal subsequently to its abolition. Scarcely a month has passed without complaints on the part of Government or of individuals, of the licentiousness of the press; the disapprobation of the Governor-general in Council has been signified to one individual editor, in every form and tone of reproof; threats of deportation have been held out to him, prosecution has been resorted to and failed, and other prosecutions still pending, have been alleged as a reason for not executing the previous threat of deportation; the settlement is agitated, and the Government is evidently embarrassed. All this, it is presumable from former experience, might have been prevented by the censorship; but all this has taken place under a code of restrictions, the violation of which the Governor-general has not punished with the only penalty he is empowered to inflict.

One thing is obvious, that the system, whatever it may be, should be uniform, and that the censorship ought not to continue in force at one presidency, after it has been removed at another. A local censorship will be worse than useless; for not only will the paragraphs expunged, for example, at Madras, be published at Calcutta, but they will be published as *rejected paragraphs*, with strictures by the Bengal editor on the conduct of the Madras censor.

The objections to the restoration of the censorship considered.

The objections to having recourse to the general re-establishment of the censorship, remain to be considered.

It is objected, first, that, though the removal of the censorship is to be regretted, yet as it has been abolished, it is inexpedient to restore it; and, secondly, that as this check is applicable only to European editors, it will not reach the excesses of the press when conducted really or ostensibly by half-caste or other natives.

The first objection, that the step having been once taken cannot with propriety be retracted, possesses, when examined, very little weight. It is the part of magnanimity and true wisdom, under a conviction of having taken a wrong course, to recede, not to proceed. The Bengal Government has recorded a confession in pretty distinct terms, that it has erred in removing the censorship, and, in some of the minutes of the Members of Council, which have been referred to in a preceding part of this communication, there is to be found something like an indication of a wish to be extricated from the embarrassment consequent upon the error which they have committed. By the change which is about to take place in the Government, the feelings of some of the individuals now composing it would be spared the awkwardness of retraction. And should it not be deemed expedient to expose the new Governor-general to the unpopularity which might attend a return to the former system, the Court, who have always disapproved of the change, would be prepared to take upon themselves to order the re-establishment of the censorship, and to instruct the local government to give publicity to their orders, not doubting that the Governor-general would so avail himself of the powers vested in him by the Legislature, as to give effect to the Court's instructions. The momentary clamour which might be excited by such a proceeding, it is hoped, would soon subside, and all the reflecting part of the community would ascribe it rather to the failure of a liberal experiment, than to any illiberal principle of policy, or to a wavering and undecided temper. But whatever unpopularity might ensue, it would be but a trivial consideration when compared with incurring the guilt, not merely of placing the British interests in India in imminent peril, but of betraying the cause of general civilization and humanity.

With respect to the second objection, that the censorship cannot be extended to journals edited by half-caste and other natives, and that no check will be thoroughly efficient, which does not apply to them as well as to European editors; it may be replied, that it is not reasonable to abstain from applying a palliation to an existing evil, because we cannot cure it altogether; that the evil so justly complained of at present does not proceed from the Native, but from the European press, and that by showing the determination of the Government to check the excesses of the latter, the former may be deterred from passing the limits of moderation. In the event of the native press requiring some more effectual restraints than can be imposed upon it under the existing law, it will be necessary to apply to Parliament to enlarge the powers of the Government. Were the local governments empowered to grant and withdraw licences to printing presses; and to put down any press printing without a licence, such a check would be universally applicable, and would even supersede the necessity of the censorship. It will be for the consideration of His Majesty's Government, whether it will be more expedient now to apply to Parliament for such a remedy, or to delay the application until the necessity of it shall be more clearly demonstrated by subsequent events. But if the more comprehensive check be not immediately applied, the necessity of applying the more limited one is only the more obviously urgent.

We are, &c. &c. &c.

East India House, }
17th January 1823. }

(signed)

J. Pattison.
W. Wigram.

— No. 3. —

DESPATCH from the Court of Directors to the *Bengal Government*, dated 6th July 1825.
(Referred to in page 111 of the Evidence.)

2. ON the 7th of June 1824 we received your Letter in this department, dated the 30th December 1823, informing us that in virtue of the power vested in you by the Act of the 53d of Geo. 3, c. 155, s. 104, you had sent Mr. Sandford Arnot, late Assistant Editor of the *Calcutta Journal*, to England, on board the Company's chartered ship *Fame*, bound in the first instance for Bencoolen; and also stating the circumstances which had induced you subsequently to withdraw your license from the *Calcutta Journal*, in virtue of the rule, ordinance and regulation made and issued by you on the 14th March 1823, and duly registered and published in the Supreme Court on the 4th April following, with the consent and approbation of that Court, under the provisions of the Acts of the 13th Geo. 3, c. 63, s. 36, and the 40th Geo. 3, c. 79.

3. In our despatch from this department, dated the 30th July 1823, we "assured you of our most strenuous and cordial support in whatever legal measures you might adopt in the exercise of your discretion, for the purpose of restraining the licentiousness of the press in India, from which, if unchecked, the most dangerous consequences are to be apprehended." This assurance we now repeat, subject of course to the right reserved to ourselves of making such remarks as we may think called for by your proceedings in this as well as other matters.

4. By the Act of the 53d Geo. 3, c. 155, s. 104, it is enacted, that it shall and may be lawful for the Governor-General or the Governor or chief officer of any of the Company's settlements to arrest and send home any native of Great Britain residing in India, without license or other lawful authority for that purpose. By section 37 of the same Act it is declared not lawful for the Company's Governments to authorize the residence of any such unlicensed British subject; but a power is reserved to the Governor-General or Governor of any of the Company's presidencies to authorize by special license the residence of any British subject for extraordinary reasons, to be entered on the minutes of council, until the pleasure of the Court of Directors shall be known in that behalf.

5. This power of mitigating the severity of the law is entrusted wholly to the Governor-General or Governor of the presidency, to be exercised by him at his own discretion and on his own individual responsibility. Our former despatches, especially those of the 12th May 1819, paras. 140 to 156, and 7th January 1820, paras. 2 and 4, will have apprized you of our unwillingness to permit the residence of unlicensed persons in India.

6. We should therefore not feel ourselves in any degree called upon to observe on the Governor-General's not having on the present occasion seen any special grounds to except Mr. Arnot from the general operation of the Act of Parliament, but that his Lordship has brought the question before the Council, and that you have in this despatch assigned your reasons for Mr. Arnot's removal.

7. It cannot have failed to occur to you that the measure of ordering Mr. Arnot home after he had, under the sufferance of your Government, resided at Calcutta for three years, found the means of obtaining a livelihood and formed an advantageous connexion there, was infinitely more severe than if you had prohibited his continuance upon his first arrival in India.

8. We think that this prolonged residence of Mr. Arnot under sufferance, if not permission, did so far except his case from the general rule as to supply sufficient reasons for not applying that rule to him so long as he continued to conduct himself properly.

9. The passages in the *Calcutta Journal* to which you have drawn our attention were, undoubtedly, highly objectionable, and evinced a contumacious and refractory disposition on the part of the editor. If you had reason to believe that Mr. Arnot was the real author of these paragraphs, and that the principal editor was only the nominal conductor of the paper, put forward ostensibly because his birth in India exempted him from removal, we do not deny that you were called upon in the exercise of your duty to enforce the law in his case.

10. This, however, nowhere appears in your correspondence.

11. Under the circumstances reported to us, therefore, we regret that you did not accept the promise which Mr. Arnot declared his readiness to make in the most solemn manner, to relinquish all connexion directly or indirectly with any publication within the Company's territories, on receiving your permission to remain in the country.

12. We further and still more regret that you did not think fit to comply with the prayer of the respectful and submissive Memorial addressed to you by Mr. Arnot from Bencoolen, on the 14th February 1824, after the destruction of the ship *Fame*, on which he had been sent a passenger, soliciting leave to return to Bengal under circumstances calculated, certainly, to excite commiseration. A copy of Mr. Arnot's memorial was forwarded to us by Sir Thomas Stamford Raffles; and we were anxiously expecting to hear of your compliance with Mr. Arnot's request when his arrival in this country on board the "*Mellish*" was announced to us without any communication from you of your reasons for again refusing the solicited indulgence. Having been disappointed in this expectation, we could not longer delay replying to your letter dated the 30th December 1823.

13. The strong measures adopted and persevered in against the individual in question appear to us to have been less necessary, seeing that you had the power, under the rule, ordinance and regulation made and issued by you on the 14th March 1823, to revoke the license granted to the *Journal* with which he was connected, in the event of the license being

being abused, a power which you actually exercised, in the case of that very journal, on the 6th of November of the same year, before the despatch of the Fame from Calcutta.

14. We are satisfied that it is essential to the security of the public interests that our Governments in India should possess the means of checking abuses of the press, but this power should be exercised with moderation and forbearance, as every unnecessary or harsh exercise of it is not only injurious to the character of our Governments, but tends to bring into question the expediency (which we hold to be indisputable on general grounds) of placing it in their hands.

15. We herewith transmit for your satisfaction, a case which we have caused to be prepared and laid before the Company's Standing Counsel and His Majesty's Attorney and Solicitor-General, together with their opinions thereon.

16. You will observe that is the opinion of these legal authorities; 1st, "That the Governor-General of Fort William, and the Governors of Madras and Bombay, and the other officers described in the 33d Geo. 3. c. 52, s. 133, and 53d Geo. 3. c. 155, s. 104, may lawfully order persons liable to be sent to England by virtue of those Acts respectively, to be detained in prison till ships are ready to bring them away from India;" and 2dly, "That it is lawful for the Governors in the East Indies to send persons to the United Kingdom under the 53d Geo. 3. c. 155, s. 104, on board ships in the service of the Company bound to the United Kingdom by circuitous routes, and authorized to touch at intermediate places, if there be no ship belonging to or in the service of the Company bound direct to the United Kingdom, at the place from whence such persons are to be sent.

17. Since the foregoing paragraphs were written, we have received your letter in the public department, dated the 30th June 1824, by the George Home, which sailed from Calcutta after the middle of December last, and brought us advices from your Government down to the 7th of that month, several Letters from you of intermediate dates having reached us in the interval. We have frequently had occasion to complain of the detention of Despatches long after the period at which they were dated. We are at a loss to account for this delay in transmitting letters to us after they have been prepared and signed, and we desire that no such unnecessary delays may again occur, but that they may be regularly forwarded to us by the first conveyance which may offer.

18. In paras. 67 to 69 of the public letter in question, you inform us of your having declined compliance with Mr. Arnot's request to remain in Bengal after his return from Bencoolen, without however assigning any reason for your refusal; and you take no notice in your letter of the Memorial addressed to you by Mr. Arnot from Bencoolen.

5th April, }
5th May & } 1825.
4th June. }
19. Since the arrival of Mr. Arnot in this country, he has addressed to us three Memorials, dated as per margin, (copies of which you will find in the packet,) complaining of the treatment which he has received from your Government.

20. In the 41st para. of the Memorial, dated the 5th April, Mr. Arnot states that, immediately on his return to Calcutta from Bencoolen, he had the offer of a situation of Rs 400 per mensem, but that he was disappointed of it, in consequence of the gentleman at the head of the concern in which he was offered employment having received an intimation that Government would take offence if he carried his views towards Mr. Arnot into effect.

21. In the 42d paragraph of the same Memorial, Mr. Arnot further states that, after his return to Calcutta, he had been employed as a teacher in a native seminary, and that, "After having been engaged for some months in that occupation, a number of the friends of this charitable institution, natives of India, pleased with his exertions, and themselves solicitous for the education of their poor countrymen, laid a representation before the Governor-General in Council, stating the difficulty they had experienced in obtaining an European competent to assist them in this work, and humbly requesting his Lordship's permission for his (Mr. Arnot's) continuance in the country to devote himself to that object till our pleasure should be known, they offering at the same time to give security for his conduct, if required;" with this request you are represented in the Memorial to have refused compliance, without any reason assigned.

22. You will not fail to inform us whether these statements be correct, and if so, to explain the grounds of your procedure in both cases.

23. Although the request of the persons interested in the native school where Mr. Arnot was temporarily employed as a teacher was preferred subsequently to the date of your letter, it must have been received before that letter was despatched, and we ought not to have been kept in ignorance of it.

24. With respect to the rule, ordinance and regulation made and issued by you on the 14th March 1823, and registered in the Supreme Court on the 4th April following, a petition of appeal having been presented against it to His Majesty in Council by Mr. James S. Buckingham, on the 13th February last, it was argued at great length, on the 23d May, before a very numerous Committee of the Lords of the Privy Council, by Mr. Denman and Mr. John Williams on the part of the appellant, and by Mr. Serjeant Bosanquet and Mr. Serjeant Spankie in support of the Regulation.

25. We herewith transmit to you a regularly authenticated extract of the proceedings of the Committee of Privy Council on that occasion, from which you will observe that the King has been pleased to approve of the opinion submitted to His Majesty by the Lords of the Committee, that the prayer of the petition ought not to be complied with.

—No. 4.—

POLITICAL LETTER from the *Bombay* Government to the Court of Directors (No. 257,
dated 8th September 1832. (Referred to in page 121 of the Evidence.)

WE have the honour to report to your Honourable Court our proceedings relative to a calumnious and libellous letter, signed "Justinian," which appeared in the *Bombay Gazette* of the 23d May 1832, a copy of which is herewith transmitted.

2. The subject of the letter in question, your Honourable Court will perceive, is the alleged grievance suffered by the soldiers of His Majesty's Army serving in India from the conversion of English money into Indian, at the rate of 2s. 6d. per rupee, in paying them. Such a topic, it is evident, could scarcely be presented in any shape to the consideration of the soldiery, without the greatest risk of producing disaffection and discontent: but the writer of the letter in question will be seen to have used every effort to kindle indignation in the hearts of those whom he describes as injured, by representing the Governments of the Honourable Company to be actuated by the most unworthy, corrupt and dishonourable motives.

3. A perusal of this mischievous publication satisfied us that it was our duty to use our best endeavours to prevent the evil effects which the dissemination of writings of this description was calculated to produce. Your Honourable Court is aware that we have no means of controlling the press, except such as is furnished by the power of transmission in the cases of British-born subjects. The editor of the *Bombay Gazette* being a person of this description, we called upon him to give up the name of the writer of the letter signed "Justinian," signifying to him, that if he failed to comply with our demand, he would be sent to England. After some little delay, we were informed by the editor, that the writer was a man of the name of O'Donnell, a private of His Majesty's 2d Regiment of Foot, or Queen's Royals.

4. Having procured from the editor the original letter, as also a note from O'Donnell admitting himself to be the writer, we transmitted them to his Excellency the Commander-in-chief, under whose directions O'Donnell has been brought to a general court martial, and having been found guilty of highly seditious and mutinous conduct, has been sentenced to suffer solitary imprisonment for the period of six (6) calendar months; and his Excellency has intimated to us his intention, at the expiration of the above period, to adopt the necessary measures for having private Hugh O'Donnell removed from this country.

5. We beg to draw your Honourable Court's attention to the opinion of the Advocate General (a copy of which goes a number in the packet) on the publication which gave rise to our proceedings now reported. On the appearance of the *Bombay Gazette*, dated 23d May 1832, we communicated with the Governments of Bengal and Madras, in order that those Governments might, if they should think fit, take measures for preventing the publication of the obnoxious letter in the journals of those presidencies.

6. From the Government of Madras no answer has been received; but the Vice President in Council in Bengal signified to us in reply, that he did not deem it expedient to interfere to prevent the republication of the letter at Calcutta.

We have the honour to be, &c.

(signed)

Colin Halkett.

W^m Newnham.

J^r Sutherland.

Bombay Castle, }
8th September 1832. }

—No. 5.—

MEMORANDUM, written on the perusal of the Despatch in the Secret Department from Fort St. George, dated 12th April 1822; by Sir John Malcolm. (Referred to in page 126 of the Evidence.)

WHAT has lately occurred will compel the Government in England to decide the extent to which the liberty of the press can be admitted in India. The question is full of embarrassment, but that will be increased by any delay in meeting it. A free press throughout the civilized world is a powerful engine for good or evil. Where the knowledge of the people, their institutions and form of government are such as to admit its freedom, the good preponderates. Where the reverse is the case, the evil. It is safe to admit the press to call in question the acts of Government, and to comment upon the conduct of its officers, where there is an independent public to whom its observations and strictures are addressed, and by whom it is salutary for the general welfare they should be understood and felt, in order that their opinion should check misrule, and that the fear of offending or outraging it should temper with moderation and justice every act of those trusted with the administration of state affairs. Is there such a public as has been described in India? The English part of the population is perhaps as respectable a community as any in the universe; but they are not a body of men that an Englishman would designate as a public. The great majority are civil and military servants, of whom a very considerable proportion hold their offices at the pleasure of the Local Government under which they serve; and the other parts of this community, composed of merchants, free traders, missionaries, editors of newspapers, shop-

keepers and artisans; have purchased the privilege of residing in India by voluntarily subjecting themselves to regulations and restrictions, one of which authorizes the Local Government under whose protection they reside to send them to England by an arbitrary act of power, without even the form of trial! Need more be said to establish the dissimilarity between this community and a British public? But do not let it be concluded, that though not possessed of all the rights which usage and law have given to the latter, that the English population of India are without privileges. They enjoy the full protection of the law of their native country, which secures to them every privilege of an Englishman, except such as the interest of the Indian Empire would make it dangerous for them to possess. But the want of these privileges is rarely felt; for such is the happy effect of our free constitution, that a portion of it attends and guards Englishmen in whatever soil and in whatever situation they are placed. Its beneficial influence tempers the action of the most absolute power with which an English Government over foreign countries can be vested, for it has for its support the sympathy of all who are born Britons; and in the respectable and large community now formed by the English in India, this feeling has gained, and will continue to gain a strength that must rank it among the most powerful of those checks which we could desire to have upon a Government which circumstances require should be strong, and in some cases almost despotic.

There can be no doubt that in substance there exists in our Empire in India as much of liberty as is compatible with our remaining sovereigns of that country; but if from a desire to assimilate the principles of the national Government of England with the unnational Government which extraordinary events have given us in India, individuals are to be deemed vested with the same rights they would enjoy in England, to comment upon the acts of the local administration, to censure the officers it employs, to publish complaints and grievances, to discuss questions of internal and external policy, and to expose as objects of ridicule and disgust the usages and religion of our native subjects, though they will not succeed in forming that English public with which their pages and columns will be filled, they will succeed in spreading insubordination, contention and disaffection, if not rebellion. If strong and positive restrictions are not rigorously enforced, neither the grave admonitions of those in authority, nor occasional recurrence to the law, will stop men in a career where their profit will be so commensurate to the boldness of their attacks as always to indemnify them for the slight hazards they incur from Judges bound by the letter of the law, or juries consisting of men not in the public service, and who will look with no hostile feeling at those who rail at men in office.

The evils I have described as likely to result in the European part of the community from the admission of a free press, are slight to what would be produced, and at no distant date, on the natives of India, and it is a consideration for their good, even more than our own, which demands immediate attention to this subject. It is impossible England should desire to withhold from her subjects in India the benefits of knowledge; but in the manner in which this blessing is imparted, depend her glory and their happiness; on this point, therefore, it is our duty to exercise our best judgment, and who that has studied the past history of the natives of India, and their present character and condition, will recommend us to commence their improvement by the agency of a free press. That may perhaps be one of the last boons which is given to a people whom, with a policy unknown to former ages, we have gradually matured into a state of society in which they are fit to receive it, and the gift will then be ennobled, from the conviction that the existence of that spirit of national feeling and independence which it is calculated to spread and maintain is irreconcilable with the continuance of submission to a foreign yoke, however enlarged the views and just the principles upon which that is established: but enough of general reasoning, let us look nearer the subject.

The newspapers in India are not of very old date; soon after they were first permitted, some at Calcutta became very licentious; the cause of this was probably to be referred to the violent collision between the Supreme Government and His Majesty's Courts of Justice, consequent to the latter being vested by the Act of 1773 with extended jurisdiction over the Company's territories. To understand the degree to which this collision went, it is but necessary to state one of many instances that might be adduced. A Judge* speaking in a case before him of one of the delegated bodies, who under the Supreme Government was employed for the administration of a large province, said from the bench, "The Chief and Council of Dacca is an ideal body! A man might as well say he was commanded by the king of the fairies, as by the Provincial Council of Dacca, because the law knows no such body."

* Judge I. e. Maistre
in A. D. 1781.
Vine Mill, vol. 4,
page 275.

When such language was held by Judges, we cannot be surprised that editors of newspapers and others were bold in their attacks on those in authority. This state of affairs soon remedied itself; the jurisdiction of the courts of law was limited, and the Local Government strengthened. The consequence was, the suppression of that liberty which the press had attained. I recollect perusing a long petition to Lord Wellesley from a Mr. Hickey (who had edited a very violent and abusive paper) in which he stated, with many popular arguments in favour of his case, the ruin this salutary change had brought upon him as an individual. I am not possessed of documents to exhibit the degree of connexion the press had at the period to which I allude, with the hostility to Government of some of the Judges of His Majesty's Court of Law, but I am assured this point merits the most serious attention, for it is in that delicate, though essential part of the frame of the distant administration of India which often brings into collision the feelings and opinions, if not the acts, of the Local Government and His Majesty's Court of Law where this evil has its deepest root, and where

where the remedy is most difficult. It is from the protection the press enjoys from the opinions and actions of not only the Judges, but all attached to His Majesty's Courts, and from the interests and feelings of that class of Europeans who dwell at the Presidencies under English law, that it has lately and will hereafter derive confidence in its attacks upon the local administration, or the usages and religion of the natives of India. There is no preventing this effect as long as the law is appealed to; and the victories which editors obtain over Government and its officers, will daily strengthen a cause which has gained within a short period much ground both in India and England. In the former country the great majority are but little acquainted with the true character of those ties by which we hold our eastern empire. The general sentiments of all connected with the Courts of English law have been noticed; many* are discontented with their condition and prospects; others continue at the Presidencies with unchanged English ideas and feelings, and these cherish a hatred which they flatter themselves is constitutional, to all that in their opinion approximates to oriental government. A great number (and this class increases rapidly) are so ardent for the propagation of education and religion, that they welcome (with an attention perhaps too exclusive) every aid that they think will accelerate the early attainment of their objects, and among these we cannot be surprised that they deem a free press one of the most essential. Thus professional feeling, ignorance, disaffection, prejudice and enthusiasm swell the number of the advocates of a free press in India, and the classes in which these passions actuate are those that maintain the fullest and most constant communication with England, in which country we may assert that from the most loyal to the most factious, from the enlightened to the ignorant, they will meet with concurrence in sentiment from all, except those few who have studied the history of India aright; who know that its good government requires a mixture of some principles that are happily uncongenial to England, and who being convinced that not only the interests of their country, but those of humanity, of knowledge, and of true religion, depend on their firm resistance to popular opinion, have the courage to brave the obloquy of dissent, and to defend, at all hazards of misrepresentation and attack, that ground which, as far as I can judge, we must maintain on this and other points similar in their spirit of innovation and unseasonable excitement if we mean to maintain our empire in India; but this brings me to the most important point of the question—The effects which a press under no restraints, except those of English law, is likely to have now or hereafter upon eighty millions of our Asiatic subjects. It will, however, be useful before I discuss this question, as it relates to the natives of India, to say a very few words on its probable effect on that class, the descendants of Europeans and native women, termed half-caste. The greatest proportion of this numerous and increasing class are so far educated as to read and write English and understand accounts. They fill almost exclusively the situation of clerks in public offices; they hold the same situation in merchants' counting houses and shops; they are also artisans and printers, and several have shown talents in English composition. Some have adopted scientific pursuits, and a few who possess property are in business on their own account. Many have been employed in the army of Indian princes, from whence they have passed into the English service, where they have been appointed officers of irregular corps; of late this class has been allowed to possess land, and some of them have estates. Though numbers of the half-caste have attained high respectability, and some in the army considerable distinction,* they are as a community in a depressed state, and it is impossible they can acquire knowledge without imbibing with it discontent at their condition in society. The improvement and amelioration of the state of this class are subjects that imperiously demand the early attention of Government, but a free press is neither the best nor the safest measure for effecting this object. It is however one to which they have been sedulously taught to look, and many of them are well qualified, from their education and their acquaintance with the native languages, to be active instruments in disseminating any doctrines it may inculcate. It has been asserted that should the despotism (as it is termed) of Government restore the office of censor, persons of this class may and will publish without being liable to the same severe visitation of authority as Englishmen; but assuredly the Government of England is competent, if its interests in India are endangered, to enact a law that will reach what is deemed offence, be what it will the caste or description of the individuals by whom it is committed.

* Members of the European part of the Community.

* Colonel James Skinner, who served in Lord Lake's campaign, and has lately commanded 3,000 horse, is one of the distinguished of this class. There cannot be a more honourable man as an officer, who, as far as his opportunities have admitted, has acquired a more solid reputation.

The relation of the natives of India to the English is that of a conquered people to their conquerors. Since we obtained sovereignty in India, we have greatly ameliorated the condition of our subjects, and every rational means has been employed to promote their happiness, and to secure to them the benefits of tranquillity. We may and no doubt have often erred, but never was a Government actuated with more just and more liberal views, nor one more anxious to exercise its sovereign functions in a spirit of mildness, toleration and justice. Let us continue this gradual course of example and improvement, and when our rule ceases, as cease it must, as the natural consequence of our success in the gradual diffusion of knowledge, we shall as a nation have the proud boast that we have preferred the civilization to the subjection of India. When our power is gone, our name will be revered, for we shall leave a moral monument more noble and more imperishable than the hand of man ever raised from inanimate materials. But this fair prospect must be destroyed if we unwisely anticipate the period when the blessings we intend may be safely imparted. We shall by doing so not only hasten our own destruction, but plunge India into a greater state of anarchy and misery than that in which we found it. Of all the means that could be devised to accelerate this deplorable crisis, I will venture to say there is none so efficient as the

the admission of a press, restrained only by laws adapted for a free and independent country, into one, where, before freedom and independence can be understood, the whole mind of the people must be changed, and where, before they can be worthy of these blessings, they must have thrown off the yoke of foreigners. But to understand the ground of these opinions we must examine the character of our native subjects.

The two great divisions of our Asiatic subjects are Mahomedans and Hindoos. The former, who are the least numerous, have been the greatest sufferers from our establishment in India, but their means of subverting our power are comparatively slight to those possessed by the Hindoos. It is long since the Mahomedans of India have ceased to be actuated by that enthusiastic spirit of religion which at one period gave them strength and union. A great proportion of them, particularly the lower orders who dwell in the central parts of India, pay little attention even to the forms of their faith, and in fact have a strong tendency to revert to the usages and superstitions of the Hindoos. I have remarked this disposition to increase considerably in the Deccan and other parts of India within the last twenty years, and have referred it to that common jealousy and dread which great numbers of both classes entertain of the English Government. The Mahomedans of India, generally speaking, are ignorant and dissipated. They have at present little of union amongst themselves, or of respect from others, but their idleness and bad habits, combined with their courage, render them dangerous, for they are prone to change, and have strong passions, with an unrestrained appetite for sensual pleasures, for the gratification of which they will incur any hazards. Such a race have hitherto been and will continue to be apt instruments for the purposes of the designing and disaffected.

The Hindoo population of India comprises all classes, from the most intelligent to the most ignorant, from the most courageous to the most timid; but though divided by their separation into tribes and casts, as well as by their various dispositions, pursuits and qualities, there are some general feelings that unite them, and of these the more instructed part of the community understand how to take full advantage whenever it suits their purpose. The Brahmins and other civil classes have for ages been the nominal servants, but real masters of the turbulent and bold, but ignorant and superstitious military tribes of their countrymen. Their knowledge how to wield this dangerous power has been rendered complete by frequent exercise; and when we consider what they have lost by the introduction and extension of our dominion, it would be folly to expect exemption from their efforts to subvert it. Their success will depend on the means we place within their power, and it may be asserted that until the agitation into which the rapid revolutions of the last thirty years have thrown the minds of the natives of India is calmed; until prejudices are subdued, and that knowledge, which is to enlighten ignorance and ultimately conquer superstition, has

* Instead of those new schools which well intentioned individuals have been so anxious to spread over India, it would be better, I conceive, to seek the gradual improvement of the inhabitants of that country through attention and encouragement to the town and village schools which have been established for centuries. This remark particularly applies to those countries where our power has been recently introduced.

sary cautions to prevent their fidelity being corrupted, the adoption of every measure that is calculated to confirm and strengthen the attachment of our native army,† a contest with any part of which must commence with a destruction of links essential to our existence. If we opposed English soldiers to revolted Indian troops, it could only in its best result give success for a short period. For, from the moment we once began to count numbers, and to rely upon our physical strength, the charm by which we hold our eastern empire would be broken, and we should have to struggle on through recurring difficulties and dangers to an inglorious termination of our power.

† In 1815 I gave a paper on the native army to Lord Buckinghamshire, then President of the Board of Control. All that I have since seen confirms me in the policy of what I stated in that paper, to the justice of every part of which the Duke of Wellington at the period it was written gave an unqualified assent.

The means hitherto employed by our artful enemies to produce disaffection in our subjects and native troops, and their partial success, give earnest of what would attend a policy that admitted the dissemination in the native languages of all such tracts and papers as might be expected to flow from a free press. But I shall state some facts that have fallen within my own observation, which will show on what I ground my opinions on this part of the question.

Though the English in India have hitherto paid little attention to the subject, I am from experience convinced that few attempts have been made against our power without previous efforts to excite general discontent and sedition by the circulation of inflammatory papers. In A. D. 1800 a manuscript proclamation was transmitted to almost every village in the south of India, a copy of which came by accident into my possession; we were at this period at war with the southern Polygars, and the chief object of the writer was to raise a spirit throughout the country that should operate as an aid to their cause. After calling upon all classes of Hindoos and Mahomedans to unite against the low wretches of Europeans who had usurped the sovereignty of the country, the proclamation proceeds:—"Therefore you Brahmins, Khsterces, Byce and Mussulmen, and all you who wear whiskers, whether you are cultivators or soldiers; and you Soubadars, Jamadars, Havildars, Naigs and Sepoys now in the service of these low wretches, and all you capable of bearing arms, begin to display your heroism by destroying these low wretches, and continue to do so until they are all

all extirpated." The concluding paragraph may be taken as a specimen of the spirit in which such productions are usually written. "Whoever," the writer* observes, "reads * The signature of this or hears its contents, let him make it as public as possible, by writing it and sending it this paper is the to his friends, who in like manner are enjoined to circulate it among their friends. Every Hindoo name one who shall not write and circulate it as before directed, let him be as one guilty of having Manadaparida, killed a cow on the banks of the Ganges, and let him suffer all the various punishments of the implacable hell. Whoever takes this off the Deccan, let him be considered guilty of the five great crimes, enemy of the Let every one read and take a copy of this proclamation." European low wretches.

Between the period of 1800 and that of the Vellore mutiny, A.D. 1806, several papers† were circulated of a nature hostile to the British Government, and that massacre was preceded by efforts to inflame the minds of the native troops. Subsequent to its occurrence an address from Soubadar Seedie Hussein and others to the Nizam of the Deccan had the following strong expressions. "The British Government are trying to oblige us to relinquish our own faith and to embrace their religion, and to impose upon us an European dress. We will not depart from our own religion, and we look to the Nizam as a Mahomedan prince for support and protection. after we have extirpated our present employers."

† One of these that came into my possession was particularly addressed to Mahomedans, whom it tried to excite by an exaggerated account of a connexion between a Mahomedan female of family and the English Resident at Hydrabad.

About the same period a Hindoostanee letter‡ (many copies of which were circulated)–‡ This letter was was received by Colonel Agnew, Adjutant-general of the army, purporting to be from the believed to be commissioned and non-commissioned officers of the army, which stated at considerable written by a Suba- length their grievances, among the principal of which was the inadequate rewards bestowed dar of Cavalry. on the natives compared with those granted to the European officers. "Success and conquest," observes the writer, "which brings increase of rank and pay to the English officers, is attended only with increase of labour and privation to the natives." After dwelling on the comparative allowances of the different classes, and adducing facts to prove the state of depression in which every rank of the natives is kept, he exclaims, "Almighty God has created all mankind, whether white or black men. The same desires that are possessed by white men, whether to eat, to drink, or to enjoy the pleasures of life, equally prevail in the hearts of black men; and if the European gentlemen shall consume three parts of the Company's revenues, it is well; let them assign a fourth part at least to the natives, in order that they too may be happy. The gentlemen of the Company's Government continually proclaim that they consult the happiness of the natives in every thing, and administer impartial justice among them. These declarations are perpetually repeated to us, but no native is satisfied on investigation with the justness of the Company's Government. It is possible that Almighty God in a short time will redress those grievances, and all the Sepoys entertain hopes that the Company will certainly take the point into consideration."

The agitation which these events had caused in the Madras army were unhappily revived in a short time by the discontents of the European officers, to subdue whom measures were resorted to not a little calculated to raise the feelings of their own importance in the minds of the native officers. The active employment, however, which followed the inroads of the Pindarries and the Mahratta war appears to have restored all classes to a happy temper; nor is there ground to conclude that any bad spirit has since arisen amongst the native troops, though the late despatches from Madras show that there are not wanting designing persons who endeavour, through the same means so often before used, to corrupt their fidelity and destroy their attachment to the British Government.

In Bengal the last ten years have not passed without alarm. The meeting of the corps of that establishment at Java would not merit notice were it not to remark the recurring resolution come to by those concerned in it to murder the European officers; and it is also to be observed, that the serious insurrection at Bareilly, though it originated in opposition to a measure of civil government, immediately assumed the same sanguinary character and took the popular colour of religious feeling.

The natives of India, except perhaps a few at each of the Presidencies, can form no just estimate either of the character or intentions of the British Government. Deprived of power and independence by its success, princes and chiefs view its progress as the certain annihilation of their very name; while the lower orders, who benefit by its protection and justice, are perplexed and agitated by innovations and changes in its system of internal rule, and fear of its encroachment on their cherished prejudices and feelings. A too eager desire to do good produces evil. The following extract of a private letter to Captain J. Stewart (dated 12 April 1819), Acting Resident with Scindiah, will show the view I took at that date of this subject, as far as it affected Central India:—

"Our present condition, though one of apparent repose, far from being free from danger. The larger work has been done. India is subdued. The very minds of its inhabitants are for the moment conquered; but neither its former history nor our experience warrants our expectation that these feelings will be permanent. We have never during the whole period of our rule gained a province by our arms; in which we have not found a reaction after the inhabitants were recovered from the stun of the first blow. Can we expect this last and greatest of our strides will be exempt from this evil—that the elements we have scattered, but not destroyed, will perish of themselves? They may; but such a result is against all history and all experience, and is therefore not to be anticipated. Though I foresee danger, I by no means intend to state that we may not prevent, or that we shall not conquer it. But this I will aver, that the government of India during the next four or five years will require more care, more knowledge and more firmness than it has

ever done since we possessed that country. With the means we possess, the work of force is comparatively easy, our habits and the liberality of the principles of our Government give grace to conquest, and men are for the moment satisfied to be at the feet of a generous and humane conqueror. Tired and disgusted with their own anarchy, the loss of power even is not regretted. Halcyon days are anticipated, and they prostrate themselves in hopes of elevation. All these impressions made by the combined effects of power, humanity and fortune are improved to the utmost by the character of the first administration established over them. The agents employed by Government are generally men who have acquired a name in the very scene they have to act. They are instructed to conciliate, and unfettered by rules, their measures are shaped to soothe the passions, and assimilate with the habits and prejudices of those whom they have to attach to the interests of the British Government. But there are many causes which operate to make this period of short duration. The change from it to that of a colder course of policy in our political agents, and the introduction of our laws and regulations in countries immediately dependent upon us, is that of danger. It is the hour in which men awake from a dream. Disgust and discontent succeed to terror and admiration. The princes, chiefs and other principal persons who have been supported by the character of our first intercourse, see nothing but a system that dooms them to certain decline. They have, like weak and falling men, deluded themselves with better hopes, but delusion is rendered more insufferable from being of our own creation. I shall not at present dwell upon the means necessary to prevent or remedy these evils in territories subject to our own sway, but proceed to the question as it affects our political relations in general, and particularly those with D. R. Scindia. I am alike an enemy to that minute and vexatious interference with native states that contradicts the purpose for which we maintain them in existence, and lessens the power where it does not altogether destroy the utility of an instrument of Government, which the obligations of faith, or the dictates of policy, compel us to use, as I am to that system, which, satisfied with a dependent state fulfilling the general conditions of its alliance, gives a blind support to the authority that rules over it, however ruinous its measures to the prosperity of the country and the happiness of its inhabitants. In the present state of our power, if policy requires that we should govern a considerable part of India through its native princes and chiefs, it is our duty to employ all our influence and all our power to strengthen instead of weakening these royal instruments of rule. No speculation of comparative improvement or better administration should lead us aside from this path. The general good that is effected by our remaining in it, must overbalance any local benefits that could be derived from quitting it. If forced by circumstances to depart from this policy, it is better to assume the direct sovereignty of the country at once, than leave to the mock and degraded instruments of our power any means of avenging themselves upon a state which renders them the debased tools of its Government. Those who are the supporters of a system that leaves a state whom our overshadowing friendship has shut out from the sunshine of that splendour which once gave lustre almost to its vices, to die by its own hand, to perish unaided by us amid that putrefaction which has been produced by an internal administration consequent to our alliance, can have no rational argument, but that the speediest death of such states is the best, because it brings them soonest to the point at which we can, on grounds that will be admitted as legitimate, both in India and England, assume the direct sway, and give them the benefits of our direct Government. But, as for me, I am convinced this is the master evil against which we are to guard. Territory is coming too fast upon us. We cannot prevent accessions, and the period may arrive when the whole peninsula is under our immediate rule. But every consideration requires this period to be delayed; and every effort should be made to regulate a march in which we must proceed. No additional province can now be desirable, but as it furnishes us with positive means of supporting that general tranquillity which is alike essential for the prosperity of our provinces and the preservation of those whom it is our policy to maintain as rulers."

With the sentiments expressed in the above letter, it became the constant object of my solicitude to guard against every act that could keep up an agitation or alarm in the minds of those under my charge; but this was no easy task, for every word, letter or action of an individual who bore the name of an Englishman, or even of a native in the public service, was considered as from Government. Limited knowledge and rooted habits make the natives of India slow to comprehend the true motives of a power, the action of which depends more on established system than persons. I question if this knowledge is common in the provinces that we have possessed for near a century. In countries which have come recently under our rule or control, it is impossible to impress any general belief in such an order of things. But the mention of a few facts will aid to illustrate what I have said on this subject.

In the end of 1818, (one year after our authority had been completely established over Malwa), a Mahomedan news-writer, presuming on the ignorance of the natives of the usages and principles of the British Government, had the audacity to establish at the city of Oujain a Court of Adawlut or Justice, at which he levied small fines, and inflicted punishments.

When expelled by my desire from that city, he, from the mere fact of having been once in the employ of an English officer of rank, succeeded in obtaining (before he was apprehended) presents from several chiefs. This is one of many instances, for such was the terror of the British name that all my efforts, during between four and five years, were hardly sufficient to place it beyond the power of the lowest servant

* On one occasion he was proved to have given 90 lashes, for which he tried to justify himself on the ground of the offence. The man, he said, was one of a party who had circulated a report of my being assassinated, in order to throw the country into confusion.

servant of an English officer, imposing on the alarmed and ignorant part of the community to any extent by the use of the name of his master; covers of English letters, with the direction and seal attached to them, were shown as orders for money and sums obtained. In short, men were daily threatened, by the wicked and designing, with every species of injustice and violence, in the name of a Government that was labouring incessantly for their benefit.

In January 1821, some anonymous letters* were addressed to me of rather an extraordinary description. They were remarkably well written. I have never, indeed, read a more able popular attack on the progress of the English to the great power they have attained in India. The writer warned me of the public mind which, however unperceived, was in action against us; he referred me to the history of India to discover if that was a country whose inhabitants it was safe to repress to the dust, as appeared our intention to do. In conclusion, he advised that we should, if we desired permanence to our power, associate the princes and chiefs of the natives in our empire. The above is the substance of these letters. Two similar in purport were sent to Tanteer Jogue, the minister of Holkar, whom they reproached with base subservience to our designs. Copies of these productions were no doubt circulated by the author, who proclaimed himself of no mean rank, and offered, on certain terms, to make himself known. I however treated him and his letters with neglect; as I did many papers of the same description. Among the latter were several prophecies that foretold the coming of a Hindoo deliverer, and our downfall. Some of these I found (when on my way to Bombay in August 1821) had been industriously circulated in the Deccan, and particularly at our military cantonments. These facts† are sufficient to show that our secret enemies are not idle, and that they are adepts in the art of misrepresentation. Let us now look to the prominent feelings of that population, whom it has been or may become their object to excite to action.

* Translations of these letters were sent in the secret department to the Governor General in Council.

† One of these papers was found not only to have been circulated in the cantonments of Jaulna, but some of the public native servants were implicated as having aided its circulation.

In my printed Report of Malwa I have stated a remarkable instance‡ at Ouggin in the forcible conversion of a Jain temple to their own place of worship by the Brahmins who, supported by the religious feeling of the country, treated on this occasion with open and avowed contempt the authority of their Prince Dowlat Row Scindiah, whom on every other point they consider as endowed with despotic power over their lives and fortunes. But two recent instances will exhibit more striking examples of the action of superstition on the minds of the intelligent as well as the ignorant, and the rude part of the inhabitants (including all the military classes) of Central India.

In 1820 a manifestation, in the person of a holy Brahmin of the God of Wisdom, Gunneish, was proclaimed. He came from Guzerat, by the route of Mundisore to Milye. His disciples were very numerous, and included the Renter of Milye, and all the principal Brahmins, as well as thousands of the lower orders of that quarter. His words were deemed prophecies; he was feasted, courted, and indeed almost deified. This man came to Indoor, where some circumstances led to suspicion of the truth of his pretensions; a strict investigation was directed by the minister Tanteer Jogue, and the god Gunneish proved to be a well known Mahomedan Faquier, named Shaikh Kadaree, who had long had his tuka or place of rest at Poonah. Though many thousands of Brahmins had lost their cast by associating and eating with this man, he was not put to death: he had indeed made terms before he confessed the fraud, and was only sentenced to imprisonment. I had a long conversation with him after his confession, and found him very shrewd and intelligent. I was assured, by competent judges, that his knowledge of the Hindoo religion quite qualified him for the bold part he undertook; and I can only add that, during his short career of imposture, he possessed the devoted veneration of a great proportion of the Hindoo population of Malwa.

The small principality of Pertaubghur Deolah is tributary to the English, but governed by its own chief, Sawrut Singh, a man of excellent character.* He is satisfied with his condition, and if he was not so, he possesses no means that could have led to his cherishing plans of ambition. I therefore, when I heard, at the period of my leaving Central India in June 1821, of the strange proceedings at his petty capital, could refer them to no political cause, though some of their acts were of a character that might have excited suspicions of other motives than those of wild and deplorable fanaticism. The daughter of a blanket weaver (a very low tribe) suddenly imagined herself to be inspired, and to have become, from the Celestial Spirit entering into her, a manifestation of the Hindoo Goddess Matta. She proclaimed her new condition; a naked sword was brandished with one hand, and a looking-glass, supposed to reflect approaching events, was held in the other, while she danced in the streets. She was soon joined by some persons (both male and female), who proclaimed similar inspiration, though by other divinities. Each had a sword and a mirror, and adopted the same frantic manner as Matta. A rabble of several hundreds soon assembled round them, and their orders (which went in several cases to the murder of women accused of being witches) were implicitly obeyed. The local Government instead of repressing them took alarm, and the Rajah (a very sensible man on other subjects) appears to have endeavoured, through one of his ministers, to have offered bribes to propitiate the good will of the

* Sawrut Singh, though a Rajpoot, has laboured, from feelings of horror at the usage, to prevent infanticide, and for three generations there has been no instance of a widow burping herself in his family.

‡ These persons were obliged to undergo severe ordeals, and to expend much money to regain their places in their own tribe.

§ The Minister of Holkar told me that the hold this man had upon the minds of numbers was so strong, that nothing but his public confession would have convinced them of his being an impostor.

0.54.

* Hensraj, the minister alluded to, is of the Jain sect.

the supposed Matta. This minister, in his evidence given to my assistant, Captain McDonald, says that, though the tenets of his sect* forbade him believing in the power of evil spirits to hurt him, he was alarmed for his Prince. The same minister admits that he saw swords waving in the mirror, and that the inspired talked of destroying the Faringees (Europeans); but that they said no more at Purtaubghur than they did every where else, and that he had warned them against such expressions.

The whole detail of the proceedings at Purtaubghur, as well as an account of the further progress of this fanatical spirit, will be found in a despatch dated the 18th of August from Mr. G. Wellesley, Resident at Indore, to Mr. Swinton, Secretary in the Political Department. Mr. Wellesley, after stating that this mania of persons believing, or affecting to believe, themselves inspired, was spreading over other parts of Malwa, though happily without those atrocities which attended its first appearance at Purtaubghur and neighbouring places, sensibly remarks, that as long as the safety of persons and the public peace were not endangered, it was best to allow the popular superstition to run its course. "There appeared" (he concludes) "reason at first to apprehend some connexion of the matter with political schemes, but although in several instances symptoms may have appeared indicative of such designs, these on mature information may be accounted like the cruelties perpetrated at Purtaubghur, &c. and more as accidental than premeditated occurrences; at the same time it ought not to be overlooked how easily a superstition so blind, so contagious, and so popular, might be used as a powerful engine of political schemes by designing men."

† Vide Instructions to my assistant, &c. in Malwa.

Many of the facts I have stated, and the reasoning grounded upon them, may be supposed only to apply to Central India, but as far as my experience enables me to judge, the application is general over all India, with the exception of a very small part of the population who are resident at or near the Presidencies. There are shades of difference no doubt arising from the better knowledge which the natives of provinces long in our possession have of the principles of our Government, but the superstition and fanaticism among many of the classes of the population are every where nearly the same. We are (as I have observed elsewhere†) so separated from the natives of India, that we have no correct knowledge of what is daily passing in the society that dwell around us. The habits and minds of our native subjects will be long before they undergo any great change, and until they do, every effort against us (whatever be the scale on which it is made) will have the same character. Signs of discontent and symptoms of danger may appear, but we shall be compelled by our condition to seem as if we saw them not, lest our suspicions widen the circle of our enemies, and weaken the confidence of our friends. In most cases, therefore, we may expect the action will precede our preparation, and the experience of the past may lead us to pronounce that whether plots against our power take the shape of mutiny in our troops, or revolt in our subjects, the commencement will be an attempt to massacre all officers, civil or military, within their reach. The comparative smallness of our numbers suggests this expedient as the first step in guilt. The timid agree to it from fear of looking upon offended superiors, and the bold recommend the measure as pledging men to a continuation in crime by placing them beyond the hope of forgiveness.

To guard against the evils and dangers I have described, we have no means but through measures of preventive policy, and amongst these I must ever consider a watchful restraint of the press as a principal. If that is allowed to utter publications tending to disunite the European part of the community, to lower the respect in which Government and its officers are held, to offend and weaken native princes and chiefs by lessening their estimation with their subjects, to alarm and irritate all classes by attacks on their usages and religion, it will be an instrument competent to the destruction of our power; and it may do all I have stated without any serious transgression against the law of England, or indeed without the slightest evil intention of many of those who worked the mischief. Their limited knowledge, combined with their zeal or ignorance, may blind them to the dangers they promote, and others who have deeper designs will court their respectable names in a cause that must be popular from its supposed association with the propagation of useful knowledge and true religion.

I can, on the ground of the facts and arguments I have stated, have no hesitation in giving my decided opinion that the local Government should be vested with the fullest

‡ The office of censor was I believe first instituted by Lord Wellesley, in consequence of an article appearing in the Mirror newspaper, which took a comparative view of the European and native population, with some speculations on the subject, that were not deemed less dangerous from their being no evil design on the part of the writer.

§ Though Mr. Buckingham, the editor of the Calcutta Journal, is considered as the prominent person who has abused the liberty (recently granted) of the press in India, it would be absurd to think his removal from the scene would remove the evil if the latitude under which he has acted remained. Such a niche in society is always filled whatever be the hazard, when that is counterbalanced by popularity and profit.

power either of re-establishing the office of censor‡, or taking such means as they deem best for the prevention of the evils that have proceeded or may proceed from the abuse of the indulgences recently granted to the press. No classes of men and no publications, periodical § or otherwise, whether in the English or native languages, should be exempt from supervision and control. The local Governments will, in the exercise of the power given them, act under strict responsibility to

those by whom they are employed, and to their country. There can be little fear, in times like the present, of their going one step further than what necessity requires. If they do they must answer to their superiors; but I contend that if the point is conceded (as I conclude it must be) that not only our present prosperity and future fame, but our very existence depends upon the manner in which knowledge is imparted to the natives of India, the authorities

authorities on the spot, under the check mentioned, are the only safe hands to whom we can intrust the adoption of the means best suited to the fulfilment of this great and noble object. This has long been my opinion, and late events, with extended opportunities of looking near the frame of the society and Government of India, have confirmed me in its correctness, and I am further satisfied that a minute examination of facts will induce many, who may have formed on general grounds a contrary judgment, to alter their sentiments upon this important question.

— No. 6. —

BENGAL PUBLIC DEPARTMENT.

DESPATCH from the Court of Directors to the Bengal Government, dated 30th July 1823.

Our Governor-general in Council at Fort William in Bengal,

1. We have received your despatches in the General Department, dated 15th and 28th February.

2. In the first of these despatches, you acquaint us that Mr. James S. Buckingham having, in the judgment of the Governor-general in Council, forfeited his claim to the countenance and protection of the Supreme Government, you had declared his licence to reside in India to be void from and after the 15th April last.

3. We take the earliest opportunity of conveying to you our decided approbation of this proceeding. Considering the offensive and mischievous character of many of the articles which have appeared, for some years past, in the journal of which Mr. Buckingham was the editor, the frequent admonitions and warnings which he has received, and his obstinacy, notwithstanding the forbearance that has been extended to him, in persisting in a course which had, on many occasions, drawn upon him the displeasure of Government, we think you fully justified in revoking his licence. We feel, at the same time, no hesitation in assuring you of our most strenuous and cordial support in whatever legal measures you may adopt in the exercise of your discretion for the purpose of restraining the licentiousness of the press in India, from which, if unchecked, the most dangerous consequences are to be apprehended.

London, 30 July 1823.

(signed) W. Wigram.
W. Astell.
G. Smith.
&c. &c. &c.

— No. 7. —

LETTER to the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of England trading to the East Indies, dated Fort William, 8th September 1830.

Honourable Sirs,

We have the honour to submit copies of minutes, recorded by us, on the subject of prohibiting the publication, in the newspapers, of any comments on your Honourable Court's letter, No. 37, in the Military Department, dated 31st March last, respecting the half-batta question.

2. The majority of the Council concurring in the expediency of the prohibition, a circular letter was addressed to the editors of the several newspapers in the terms of the accompanying draft.

We have the honour to be, with the greatest respect,
Honourable Sirs,

Yours most faithful humble servants,

Fort William, 8 September 1830.

W. C. Bentinck.
W. B. Bayley.
C. T. Metcalfe.

— No. 8. —

Copy of a MINUTE by the Governor-general, dated 6th September 1830.

THE Honourable Court have directed the publication of their despatch, No. 37, conveying their final orders on the half-batta question.

With the final adjudication of this reference at home, it is much to be desired that no revival of former discussions should take place here, and that the tone of complaint, deemed so objectionable, should not again be heard. To prevent, as far as may be possible, the publication of remarks (the disrespectful nature of which may be too certainly anticipated) that this despatch will call forth, it seems necessary that a prohibition should proceed from the Secretary to Government to all editors of papers, from admitting into their columns any observations whatever upon this official document.

I am aware that this recommendation exposes me to two charges: first, of omission, in not having, on the first appearance of discontent when the orders were originally published, adopted the measure which I now propose, for the purpose of preventing the publication of

of opinions and remarks tending to foment and keep alive the existing agitation, and extremely disrespectful towards the authorities from whence they emanated; secondly, of inconsistency, in now interfering with the liberty of the press, of which I have been the advocate, and with which, after the example of my predecessor, I have not meddled.

Upon the first point, many, I know, are of opinion that the public press contributed greatly to the discontent. I see no reason for this opinion. The order itself, so many years the topic of discussion and of contention between the authorities in England and in India, was quite sufficient to excite universal dissatisfaction; and it is quite as clear that it could only be set at rest by a definitive resolution of the superior authority. The adjutant-general of the Madras army, who was at the time at Calcutta, described the angry feeling and language so loudly expressed here, and all the signs of the times, to be precisely similar to those which prevailed before the Madras mutiny, and he anticipated a similar explosion. Let it be remarked, that the mutiny *did* take place at Madras; and though there was not a shadow of liberty belonging to the press there, the communication and interchange of sentiment and concert was as general as if it had passed through the medium of a daily press, without the reserve which the responsibility of the editor, more or less, requires for his own security. My firm belief is, that more good than harm was produced by the open and public declaration of the sentiments of the army. There was a vent to public feeling, and the mischief was open to public view; and the result is so far confirmatory of the opinion here given, that no overt act took place. There is a great distinction to be made, both in the nature of the offence itself, and in the treatment to be applied to it, between the expression of dissatisfaction on the first infliction of supposed wrong and injustice, and the clamour and censure which should be cast upon the final and solemn adjudication of the governing power.

With respect to the second point, I retain my former opinion, that the liberty of the press is a most useful engine in promoting the good administration of the country, and in some respect supplies that lamentable imperfection of control, which, from local position, extensive territory, and other causes, the Supreme Council cannot adequately exercise. But I have always said and thought, that as well with the liberty of the press as of the subject, it was indispensable for the safety of the empire that the Governor-general in Council should have the power of suspending the one and of transmitting the other, whenever the safety of the State should call for the exercise of such authority. I think the present case an exception to the general rule. I apprehend no positive outrage or open violence to authority; but I do apprehend the possibility of unmilitary and insubordinate language, highly discreditable to the character of the army, which the Government could not overlook, and which might end in a conflict between the Government and its officers, that could not fail to be attended with the greatest public inconvenience.

(signed) W. C. Bentinck.

6 September 1830.

(A true copy.)

Geo. Swinton,
Chief-Secretary to Government.

— No. 9. —

Copy of a MINUTE by Mr. Bayley, dated 6th September 1830.

I HAVE always entertained, and continue to entertain, the opinion that the unfettered liberty of the press, as it exists in our native country, is totally unsuited to the present state of our dominion in the East, and that so long as the press was subject to no other restraint than that arising out of the fear, on the part of the editors, of being punished for a libel by a court of law, it was in the power of factious individuals to disseminate the most mischievous reports through the public papers, and injuriously to affect the influence and proper authority of Government over its own servants, its army, and its native subjects.

So long as the power of Government effectually to suppress evils of such a description was disputed and denied, the question of the asserted freedom of the press was felt to be one of vital importance, and that feeling led to many of the acts of interference with the press which were directed by the Government at that period.

From the time, however, when the power of Government to control the press was legally recognised and established, the motive and necessity for such frequent interference ceased. It was gradually withdrawn, and for several years past the press has practically been allowed almost perfect freedom. Although I neither think so highly of the advantages, nor so lightly of the mischiefs of a free press in this country as the Governor-general and Sir Charles Metcalfe do, I yet attach so much importance to the former as to desire that the press may remain unfettered, except in instances in which highly important interests of the State are likely to be compromised. The occasions for interposition, on that ground, have been and are likely to be rare; they form exceptions to the general rule; and when they do arise, the Government can immediately check the mischief by prohibiting the discussion of a particular question, altogether or during a specified period.

In this form the interference would operate like that of the censorship in the particular case, and no penalty would be imposed unless the prohibitory order were wilfully violated.

Entertaining the opinions above expressed on the general question, I have no hesitation in recording my concurrence in the proposition contained in the Governor-general's minute of the 6th instant.

The public interests would, in my judgment, be exposed to very serious injury if the recent and final orders of the Honourable the Court of Directors, on the memorials from the officers of the Bengal army, were publicly canvassed in the same insubordinate spirit as was manifested when the original instructions were carried into effect.

That they would be so canvassed there can be no doubt; and we shall, in my opinion, best consult the interests of the army and of the Government by prohibiting the editors of papers from publishing any comments or remarks on the despatch conveying the final orders of the Court of Directors on the half-batta question.

6 September 1830.

(A true copy.)

(signed) W. B. Bayley.

Geo. Swinton,
Chief Secretary to Government.

— No. 10. —

Copy of a MINUTE by Sir C. T. Metcalfe, dated 6th September 1830.

I REGRET to see that it is the intention of the Governor-general to interfere with the liberty of the press on the occasion of the publication of the letter of the Honourable the Court of Directors, regarding the memorials of the officers of the army, on the subject of the half-batta reductions.

It appears to me that the intended measure will excite fresh feelings of disgust, which it is wholly unnecessary to create.

Hitherto the utmost freedom of discussion has been permitted on this subject, and generally on all subjects for years past; and I cannot see any difference between the present order of the Court and their former order, that should make it expedient to allow the one to be censured, and to prohibit all comment on the other; the former order was meant to be final as much as the present one.

I am persuaded that the freedom of discussion allowed in the half-batta question has been attended with good effects; it has afforded a vent for the expression of the feelings which a most unpopular measure excited; and it gave an assurance to those who conceived themselves injured that their complaints were at least made known, and must attract attention.

I think on the present occasion that it will be infinitely better to allow any thing to be said that can be said, than to furnish a new source of discontent, by crushing the expression of public opinion.

I do not apprehend that any thing can be said worse than has already been published. The lenitive operation of time is producing its usual effect. The feelings which prevailed in the army are in some degree allayed; their complaints have been heard; their arguments are exhausted; and the subject is almost worn out.

The order of the Court of Directors is not altogether unexpected. Its publication may be followed by a few letters in the newspapers, which will do no harm, and then the matter will finally subside. But the attempt to prevent the ebullition of any feeling will cause fresh irritation, and be construed as a new grievance.

Viewing the question more generally, it is, whether an arbitrary interference with the press shall be substituted for the freedom which has for many years been allowed?

I have, for my own part, always advocated the liberty of the press, believing its benefits to outweigh its mischiefs; and I continue of the same opinion.

Admitting that the liberty of the press, like other liberties of the subject, may be suspended, when the safety of the State requires such a sacrifice, I cannot, as a consequence, acknowledge that the present instance ought to be made an exception to the usual practice of the Government; for if there were danger to the State either way, there would be more, I should think, in suppressing the publication of opinions, than in keeping the valve open, by which bad humours might evaporate. To prevent men from thinking and feeling is impossible; and I believe it to be wiser to let them give vent to their temporary anger, in anonymous letters in the newspapers, the writers of which letters remain unknown, than to make that anger permanent by forcing them to smother it within their own breasts, ever ready to burst out. It is no more necessary to take notice of such letters now than it was before.

The government which interferes at its pleasure with the press becomes responsible for all that it permits to be published. We continually see in the Calcutta papers gross abuse of public authorities; and we answered to the complaint of one, that this Government did not interfere with the press, or something to that effect. I think that we made a similar assertion in a communication to the governor of a foreign settlement. How can we say such things at one time, and at another interfere with the press, as it is now proposed to do?

If I could think it sound policy to shackle the press, I should prefer the steady operation of the censorship, or any fixed rule, to the occasional interference of the Government by its arbitrary will. Every letter addressed by the Government to the editor of a newspaper has always appeared to me to be derogatory to the Government; and the Bengal government has been exposed to more ridicule from this sort of correspondence than from any other cause. It is true that the power now exists of converting ridicule into terror, by the destruction of property, but who can desire to see a newspaper impertinence brought

to such an end? Even punishment has sometimes proved a farce, the real offender soon reappearing in the field, with new honour as a pretended martyr.

For all these reasons, I object to the measure proposed, considering it preferable, on every account, to leave to the press the uninterrupted enjoyment of its supposed freedom, and to the public the means which it now practically possesses of expressing its sentiments on all subjects, without any other restriction than those of law and discretion.

6 September, 1830.

(signed) C. T. Metcalfe.

(A true copy.)

Geo. Swinton,
Chief Secretary to the Government.

— No. 11. —

Circular LETTER to the Editors of the John Bull, Bengal Hurdu and Chronicle, Bengal Chronicle, India Gazette, Government Gazette, Bengal Herald, Calcutta Literary Gazette, Oriental Observer, Mirror of the Press, Calcutta Domestic Retail Price Current and Miscellaneous Register.

Sir,

I AM directed by the Right honourable the Governor-general in Council to acquaint you that you are prohibited from admitting into your paper any comments on the letter from the Honourable the Court of Directors, No. 37, dated 31st March 1830, which will be published in general orders to the army in the Government Gazette of this day.

I am, &c.,

Council Chamber, }
6 September 1830. }

(signed) George Swinton,
Chief Secretary to Government.

(A true copy.)

George Swinton,
Chief Secretary to Government.

— No. 12. —

Extract PUBLIC LETTER from Bengal, dated 22d September 1830.

Consultations,
11 August 1829;
Nos. 47 & 48.

587. The attention of Government having been attracted to an article in the Bengal Herald of the 1st August 1829, commencing, "We solicit the attention of the Indian community and the British people and Parliament to the general orders in our columns of to-day, &c.," we directed our secretary to express to the proprietor of that paper the displeasure with which we perused the editorial comments on the general orders above referred to, as containing matter calculated to excite a spirit of mutiny and discontent in the minds of the European soldiery, to whose worst passions the mischievous and mistaken notions inculcated in that article were addressed, and to caution him against indulging in similar comments and observations in future.

588. The letter of the proprietor of the Herald, in reply, disclaiming, with expressions of regret at having incurred the displeasure of Government, the motives attributed to him in his remarks on the general orders above alluded to, is also recorded on the proceedings of the same date.

